



Final Report

October 1, 2001

State of California
Task Force on Court Facilities

On the cover:

Representative California Court Facilities

Clockwise from top left:

Amador County Courthouse, Jackson

Civic Center Courthouse, San Francisco (San Francisco County)

Main Courthouse, Redding (Shasta County)

Central Courthouse, San Bernardino (San Bernardino County)

Lamoreaux Justice Center, Orange (Orange County)

Contra Costa County Courthouse, Martinez



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Availability of Documents

This Final Report is a comprehensive summary of the findings and recommendations of the Task Force on Court Facilities. In addition to this report, there are a number of reference documents, as described below, that provide additional detailed information related to the work of the Task Force.

The following is a list of the Task Force reports that are available in electronic versions on CD-ROM by mail and, with the exception of the Forecasts of Future Need, on the Task Force Web site at <http://www2.courtinfo.ca.gov/facilities>:

Final Report

Facilities Guidelines

Trial Court Facilities Guidelines

Appellate Court Facilities Guidelines

Facility Guidelines for Technology in the Courthouse

Forecasts of Future Need (Four Volumes)

I: Executive Summary

II: Courts of Appeal Projections and County Projections (Alameda through Lassen)

III: County Projections (Los Angeles through San Francisco)

IV: County Projections (San Joaquin through Yuba)

Trial Court Facilities: Inventory, Evaluation, and Planning Options

Trial Court Facilities: Responsibility, Funding, and Transition

Space Mitigation Working Group Report

Space Mitigation Cost Analysis

Report of the Working Group on the Impact of Court Unification on Court Facilities

Evaluation and Plan for Supreme Court and Courts of Appeal

To request a CD-ROM of any of the above, mail or fax requests to

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Attention: Task Force on Court Facilities – Documents

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Executive Summary

Introduction

For the first 100 years of statehood, county courthouses stood—figuratively but often quite literally as well—at the center of civic life, monuments to the democratic ideals of early Californians. The courthouse remains, now as then, a tangible symbol of the rule of law. It is a central point of contact between Californians and their government and is a key component in the administration of justice. The primary constitutional duty of the courts is to provide an accessible, fair, and impartial forum for the resolution of disputes. Courthouses are public resources that need to be managed in the most effective way to serve the public. A courthouse must be accessible, efficient, convenient, and safe.

The trial courts evolved as county-level institutions, and each developed in its own way based on the needs of the local judiciary and the culture of the local county government. Over the past decade, several important reforms have transformed the courts into state-funded institutions, and attempts are being made to ensure the adequate distribution of court resources, including facilities, among the 58 counties.

Among the most important of these reforms was the Lockyer-Isenberg Trial Court Funding Act of 1997, AB 233 – Escutia and Pringle, (Act). This legislation provided that court operations would be funded by the state. It gave the Legislature the authority to make appropriations and the Judicial Council the responsibility to allocate state funds to the courts. While the counties continue to contribute to trial court funding through maintenance of effort obligations, the restructuring of court funding ended a dual system of county and state funding and provided a more stable, consistent funding source for trial court operations. Counties, however, continued to bear primary responsibility for trial court facilities.

The Act also created the Task Force on Trial Court Employees and the Task Force on Court Facilities to deal with two major issues of governance left unresolved by the legislation.

Another significant structural court reform of recent years affecting court operations at all levels was trial court unification. Prior to June 1998, California’s trial courts consisted of superior and municipal courts, each with its own jurisdiction, judges, and staff. In June 1998, California voters approved Proposition 220, a constitutional amendment permitting the judges in each county to unify their superior and municipal courts into a single superior court. All local trial courts have since unified. The goals of court unification included improving services to the public, maximizing the use of court resources, and saving taxpayer dollars.

In 2000, the Trial Court Employment Protection and Governance Act, SB 2140 – Burton, was passed by the Legislature and signed into law by Governor Gray Davis. Prior to enactment of this law, people working in the trial courts were county employees. This legislation adopted the recommendations of the Task Force on Trial Court Employees and created a new trial court employee system that vested responsibility for personnel matters with the local courts. SB 2140 was a significant milestone in the ongoing initiative to recognize the independence of the trial courts from the authority and responsibility of their local counties.

Key Recommendations

The Task Force on Court Facilities recommends that the transition from county to state responsibility continue by the assumption of full responsibility for trial court facilities by the state. This recommendation is consistent with the previous decisions that transferred financial responsibility for court operations and court personnel from the counties to the state. The Task Force further recommends that transfer of responsibility for court facilities occur over a three-year period with counties retaining responsibility for facility maintenance costs through Maintenance of Effort (MOE) obligations to the state and payment on existing court facility debt. The primary reasons that the Task Force came to this conclusion are as follows:

- The judicial branch of state government is now wholly responsible for its programs and operations, with the exception of trial court facilities. The judiciary should have the responsibility for all of its functions related to its operations and staff, including facilities.
- Uniting responsibility for operations and facilities increases the likelihood that operational costs are considered when facilities decisions are made, and enhances economical, efficient, and effective court operations.
- The state, being solely responsible for creating new judgeships, drives the need for new court facilities.
- Equal access to justice is a key underpinning of our society and the rule of law. It is also a paramount goal of the Judicial Council, the policy-making body of the judicial branch. The state can best ensure uniformity of access to all court facilities in California.

The Task Force also recommends that the decision regarding continued responsibility for trial court facilities command immediate attention. The courts face an uncertain future while responsibility for trial court facilities is unresolved. With unclear responsibility for provision of facilities, and limited local resources, many projects and needed upgrades to trial court facilities are stalled. The counties do not have a clear basis on which to move forward with both the ultimate responsibility in question and the future treatment of in-progress projects unsettled. Resolution of the question of which entity of government will have responsibility for trial court facilities is of pressing urgency.

In order to maintain the flow of court facility projects during the period of transition from county to state responsibility, the Task Force recommends that a program of financial incentives be enacted as urgency legislation. The purpose of the incentive program is to facilitate and encourage counties to continue the development of court facility projects during the period prior to the transfer of responsibility for trial court facilities. The incentive program should reimburse county general fund expenditures for projects preapproved by the Judicial Council and the state Department of Finance, and be conditioned on the enactment of trial court facilities legislation.

The Executive Summary follows the outline of this report and of the phases of work that were performed to address the charge of the legislation establishing the Task Force, which is described immediately following this Executive Summary.

Facility Guidelines

The Task Force developed court facility guidelines based on reviewing the Judicial Council's 1991 California Trial Court Facilities Standards, and standards adopted by the National Center for State Courts, other states, and the federal government. To better understand the impact facilities have on court operations, and to identify planning and design issues, Task Force members initially visited numerous court facilities in California and other states. Throughout the course of its work, the Task Force visited additional court facilities to ensure that the proposed guidelines were reasonable, useful, and cost-effective for the evaluation of existing facilities.

The guidelines for the trial courts, Trial Court Facilities Guidelines, were used as a basis, but not a rigid template, to evaluate current facilities. Significant discounting of the guidelines was employed when evaluating existing facilities in order to reuse as many facilities as possible and not to discard functioning court facilities. The guidelines also provide guidance for the construction of new facilities.

Forecast of Future Needs

Concurrent with the review and development of facilities guidelines, consultants to the Task Force prepared forecasts of the future need for additional trial and appellate court facilities. Using 18 years of historical data, population projections from the Department of Finance, and multiple statistical forecasting tools, the consultants projected the probable number of judges and court support staff through 2020, in five-year increments. These projections provided a model of growth upon which to base capital planning for future needs. The forecasts were developed for each of the 58 counties as well as a statewide aggregate.

The table below summarizes the principal findings of the projections for statewide total trial court and appellate court judicial officers and staff, in 10-year increments.

Table 1
Summary of Projections

	Base Year	Year 2000	% Incr.	Year 2010	% Incr.	Year 2020	% Incr.
State Population	1997						
(Millions)	33.0	34.7	105	40.9	124	47.5	144
Courts of Appeal	1998-99						
JUSTICES	90.3	96.8	107	115.5	128	133.7	148
STAFF	628	668	106	826	132	991	158
Total Trial Courts	1997-98						
JUDICIAL OFFICERS	1,986	2,048	103	2,432	122	2,826	142
STAFF*	15,031	15,495	103	18,387	122	21,312	142

* Chambers staff was not forecasted. Space for these court employees is included with the courtroom and chambers set. Employees in this category include courtroom clerks, judicial secretaries, and court reporters, and are estimated at approximately 2,500. The Task Force on Court Employees estimated FY 97/98 trial court staff at 18,000.

To ensure that the forecasting models were consistent and statistically valid, a working group reviewed the methodology. The working group included representatives from the State Department of Finance, Legislative Analyst's Office, California State Association of Counties, and the Administrative

Office of the Courts. The forecasts developed are intended for facility planning only and the Task Force's projections of new judicial officer positions are in no way intended to override or influence the analysis of judicial officer needs performed by the Judicial Council or its advisory committees.

It should be stressed that the projected needs are for capital planning purposes only. Future court facility needs will be based upon actual growth of the California court system, growth that is largely driven by the addition of judicial positions and staff approved through the state budget and legislative processes. Individual projects also require programming and justification prior to approval. Forecasted needs, therefore, will be self-correcting over time.

Trial Court Facilities Inventory, Evaluation, and Planning Options

Inventory and Evaluation

To survey and inventory court facilities, the consultants to the Task Force visited every courthouse in the state, evaluated the physical condition and functionality of buildings and internal components, and evaluated the size of court spaces against the Facilities Guidelines. The evaluation focused on three attributes of the court facilities surveyed: physical condition, functionality, and space. The overall building was evaluated for the first two attributes, while the internal components or interior spaces of the building were evaluated for all three. Every facility, including its principal components, was rated as either "adequate," "marginal," or "deficient" through the evaluation process. The Facilities Guidelines were applied, with significant discounting, to determine current space needs, while the forecasts of judicial positions and staff were used, in conjunction with the Facilities Guidelines, to determine future court space needs. These forecasts were then compared to the amount of available space (i.e., space categorized as adequate or marginal) to determine the need for additional space (shortfalls).

The key findings from the inventory and evaluation process characterize the existing state of trial court facilities. The existing trial court facilities inventory in California includes 451 facilities totaling 10.1 million usable square feet (USF). Approximately 9.0 million USF (89 percent) are in county-owned buildings and 1.1 million USF (11 percent) are in commercially leased buildings. Most of California's trial court facilities are housed in mixed-use buildings, and the courts and court-related agencies (such as public defender, district attorney, and probation) are the dominant use in most buildings. The portfolio of evaluated buildings used for courts is aging, with 30 percent built before 1960 and 72 percent built before 1980.

A number of well-designed and maintained courthouses were found that served the court and community well and are an appropriate reflection of the importance of the rule of law in our society. Unfortunately, five buildings were rated deficient based on the evaluation of the physical condition of the building's core and shell. In addition, deferred maintenance, repair, or renovation was found to be necessary in a significant number of buildings.

The functional evaluation of buildings indicates significant need for functional improvement of court buildings statewide. Only 45 percent of all usable area of courts is located in buildings rated functionally and physically adequate, and 22 percent is located in buildings rated functionally deficient. Approximately 21 percent of all courtrooms were rated deficient for their current use, principally due to deficient holding, security, or in-custody access. These security-related deficiencies strongly affect the ability of courts to function in a manner that ensures safety of court participants and the public.

The lack of adequate in-custody defendant holding and secure access circulation leads to the transfer of shackled defendants through public circulation areas in some court facilities.

Facility needs commonly identified throughout the state include the following:

- Physical security improvements, such as separation of in-custody defendant circulation from staff and public, entry control, and perimeter intrusion detection
- In-custody holding facilities
- Life safety improvements, including proper exiting systems, fire sprinklers, and possible seismic upgrades
- Accessibility improvements to comply with the Americans with Disabilities Act and Title 24 requirements
- Major building system repairs such as re-roofing and replacement of heating, ventilation, and air conditioning systems
- Courtroom improvements that ensure jury/spectator separation and proper presentation of cases
- Electrical and data distribution infrastructure necessary for modern technology
- Improved jury assembly space
- Relief of overcrowding in staff support areas
- Space for new administrative positions created as a result of state trial court funding, such as personnel, purchasing, and accounting
- Meeting space for settlement conferences and alternate dispute resolution

Planning Options

The Task Force was committed to a planning process that used conservative and pragmatic approaches to meeting the facility needs of the state's court system, including significant reuse of court spaces. In developing potential planning options, the Task Force adopted a long-range perspective, examining each facility for its viability and suitability as a long-term resource. This approach resulted in identification of many needed upgrades to replace inadequate building systems and to bring facilities into conformance with the requirements for modern court operation.

The planning options were developed as tools for modeling future facility costs, rather than to serve as specific recommendations for planning and development. (All costs were expressed as constant 1999 dollars, without adjustment for inflation.) Specific project costs are subject to refinement based on the development of detailed architectural programs and plans for specific projects.

Rather than develop a specific recommended plan for each county, the Task Force developed a potential range of options using a combination of development actions. These development actions

include reuse of existing facilities; addition of space within existing buildings through conversion of existing space occupied by others; renovation of existing court space; and construction of new space. The planning process identified a range of specific and practical development options that considered the results of the court facility evaluation, insight into local conditions gained from the interviews with county and court administrative personnel, consolidation of trial court functions, operational efficiencies, geographic growth patterns, and service delivery changes. The planning options explored the reassignment of deficient courtrooms to other uses for which they would be more suitable, such as changing criminal courtrooms with inadequate in-custody holding and access to civil use. The reuse potential of each building was carefully weighed, and significant reuse of existing facilities in the options—both with and without improvements—was considered. Shortfalls were adjusted to fit each specific situation, often with significant reduction to make use of space available within existing buildings.

The planning options developed for each county generally included a minimum of two options: one reflecting the maximum reuse of existing facilities, and the other reflecting reduced reuse of existing facilities and increased new construction to replace phased-out facilities. In most cases, the maximum reuse options featured a significant acceptance of existing conditions and provided a lower level of conformance with the Facilities Guidelines. In contrast, the reduced reuse options provided more conformance with the Facilities Guidelines, together with more mitigation of existing conditions.

Capital Cost of Current Need

The current need for court facilities reflects providing a total of 2,153 to 2,158 courtrooms, depending on the options, and related court spaces for the current number of judicial positions and staff. The maximum reuse options provide a total of 12.6 million square feet of usable area housed in 10.1 million square feet of existing and expanded buildings and 2.5 million square feet of new construction. The reduced reuse options provide a total of 14.1 million square feet of usable area housed in 8.0 million square feet of existing and expanded buildings and 6.1 million square feet of new construction. The maximum reuse options provide 101 new courtrooms within existing buildings, principally through buying out of existing space occupied by court-related or non-court agencies, while the reduced reuse options provide 60 new courtrooms within existing buildings. The maximum reuse options provide 56 new buildings with 301 courtrooms, while the reduced reuse options provide 96 new buildings with 724 courtrooms.

The estimated capital budget for current needs is \$2,808 million for the maximum reuse options and \$3,383 million for the reduced reuse options. The estimated costs for the current needs include the costs of functional improvements; physical improvements; potential seismic upgrades; buying out of space from displaced court-related and non-court occupancies; and phasing out and replacing some existing facilities with new facilities conforming to the Facilities Guidelines. There is a significant difference between the two options in the distribution of the total estimated cost among the various cost components, as indicated in Figures 1A and 1B below.

In comparison with the maximum reuse options, the reduced reuse options provide more replacement of existing facilities, greater compliance with Facilities Guidelines, more new facilities, and fewer facilities overall. As a result of more space in new buildings, the reduced reuse options are expected to provide greater operational efficiency. Because the maximum reuse options devote approximately three-fifths of their cost to improvement of existing buildings and buying out of space for other

agencies, the reduced reuse options reflect a greater return from each dollar of capital expenditure directly to the benefit of the courts.

Figure 1A
Cost Distribution of Current Need
Maximum Reuse Options

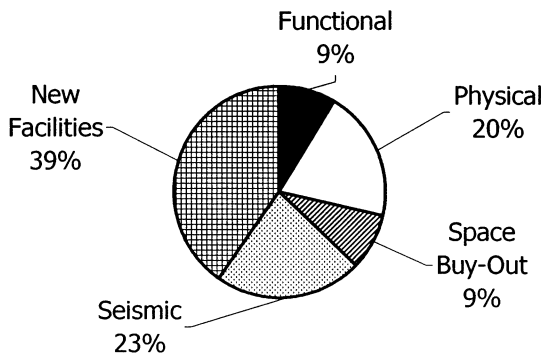
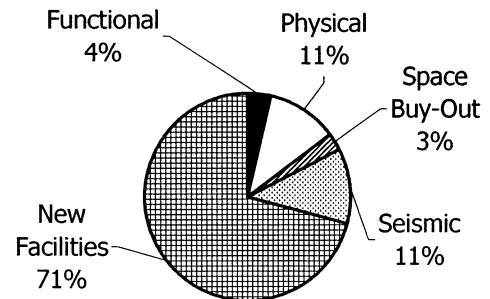


Figure 1B
Cost Distribution of Current Need
Reduced Reuse Options



Capital Cost of Future Need

The amount of space required to meet future forecasted growth was developed using a model space program based on the full application of the Facilities Guidelines and the projected 20-year growth of judicial positions and court staff. During the options planning process the future need based on the projected growth was accommodated in the options, principally through the addition of new facilities. Because future facility requirements are independent of the reuse of existing facilities, the parameters and costs of facilities to meet the future growth are identical in the maximum reuse and reduced reuse options. Future need was addressed in the options by constructing new facilities, the cost of which was estimated by applying the cost model for new construction to the model space program. The estimated cost for new facilities to meet projected growth through 2020 is \$2,075 million.

Facilities Responsibility, Funding, and Transition

Responsibility

As noted previously, the Task Force recommends that the state assume full responsibility for trial court facilities and that the transfer be completed within three years. In developing specific recommendations, the Task Force was guided by the following principles that it believes are essential to the success of any change in responsibility:

- **Fiscal Neutrality** – Any change of facilities responsibility should be fiscally neutral to both the state and counties at the time of transfer.
- **Continuity of Planned Projects** – Capital investment in needed court renovation and construction projects should be vigorously pursued to completion during the time it takes to effect any recommended change in responsibility.

- **Continuing Local Participation** – The courts and county justice agencies share a unique and close relationship and they should both participate in future court facility decisions, regardless of who is fiscally responsible for the facility.
- **Unique Facilities** – Any process for changing facility responsibility must be designed to address unique attributes of individual court facilities, such as their history, location, indebtedness, and use by more than one agency.

Funding

To effectively manage a portfolio of court facilities, funding for the operating, maintenance, administration, leasing, and debt financing of current and future facilities must be ensured. Based on the Task Force’s survey, as well as building industry standards, the estimated annual cost for operations, maintenance, and administration is \$140 million per year for all existing trial court facilities.

In addition to county-owned facilities, approximately 1.1 million USF of court space is currently leased at a cost of \$27.6 million per year.

The survey also found that 68 (15 percent) of the 451 existing court facilities were financed, with an estimated annual debt service of \$95.8 million and an average of 14.4 years remaining on the debt.

In addition to ensuring the ongoing operation, maintenance, and administration of existing facilities, there is a continued need to invest in new and renovated facilities. To increase affordability and ensure that the most critical facility deficiencies are addressed in a timely manner, the Task Force recommends that the total current facility need of \$2,808 million to \$3,383 million be funded over a ten year period, following an initial ramp up period. The annual capital funding needed to accomplish that goal would range from \$280.8 to \$338.3 million, with a corresponding increase in operations, maintenance, and administration cost of \$3.4 million to \$5.4 million.

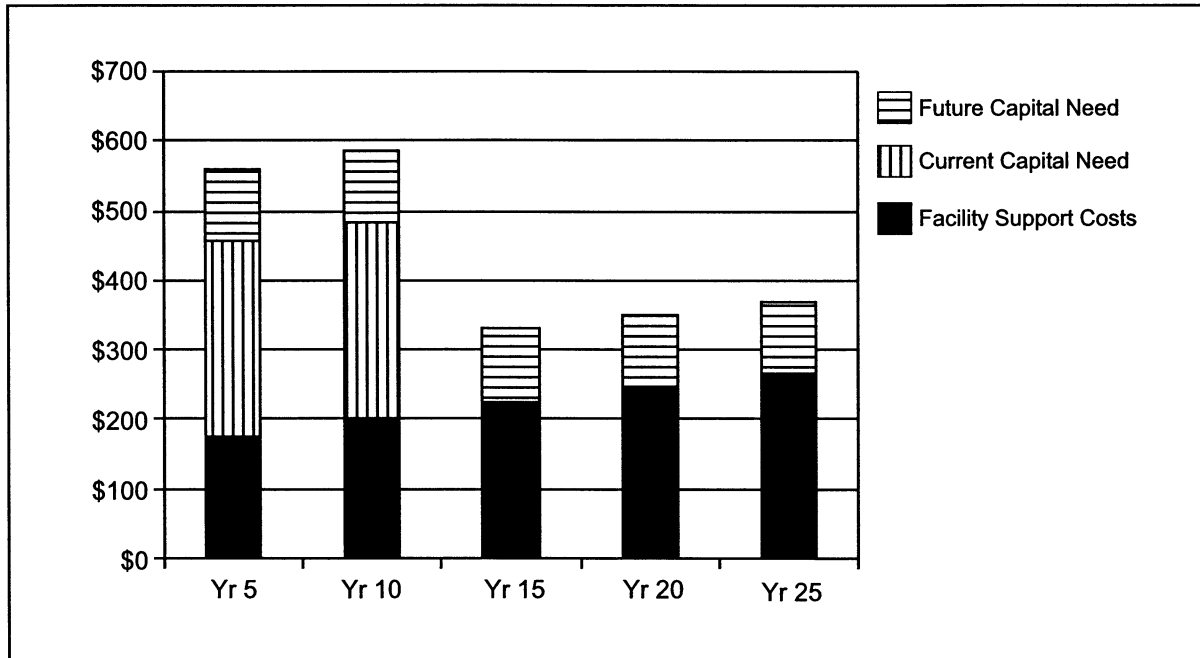
While current need is a function of existing conditions, the future facility need is a function of the projected growth of the trial courts. The average annual increase in court facilities to meet new demand on the court system would be 0.290 million USF.

Like current need, future court facilities needs require both capital outlay funds for construction and support funds for the ongoing operation and maintenance of added court facilities. The estimated total capital cost of the future need is \$2,075 million, or \$103.8 million annually, over a 20-year planning horizon, with a corresponding increase in operations, maintenance, and administration cost of \$4.0 million.

While there are many investment strategies that can be developed to fund needed trial court facilities, one strategy is illustrated here. It is based on meeting identified current needs over a ten-year period, implementing the maximum reuse of existing trial court facilities options. In the model, future need is addressed by straight-line funding over a 20-year period. For modeling purposes, capital spending for the current need is ramped up over a three-year period; the future need is first addressed in year five.

Based on these assumptions, the total annual funding requirement for existing facilities, as well as the capital and ongoing facilities support for the current and future need, is illustrated in Figure 2 below:

Figure 2
COST MODEL BEFORE REVENUES
Scenario: Maximum Reuse – Pay-As-You-Go
(\$ Millions)



The facility ownership and operations survey of counties revealed that the primary resources currently being used by counties to fund court capital facility asset development include the following:

- Courthouse Construction funds
- Criminal Justice Facility Construction funds
- County General funds

Based on the survey, revenue dedicated to retiring capital debt on court facilities statewide is about equally split between the Courthouse and Criminal Justice Facility Construction Funds (50 percent) and county general funds (47 percent). Grants and miscellaneous revenue fund the remaining 3 percent.

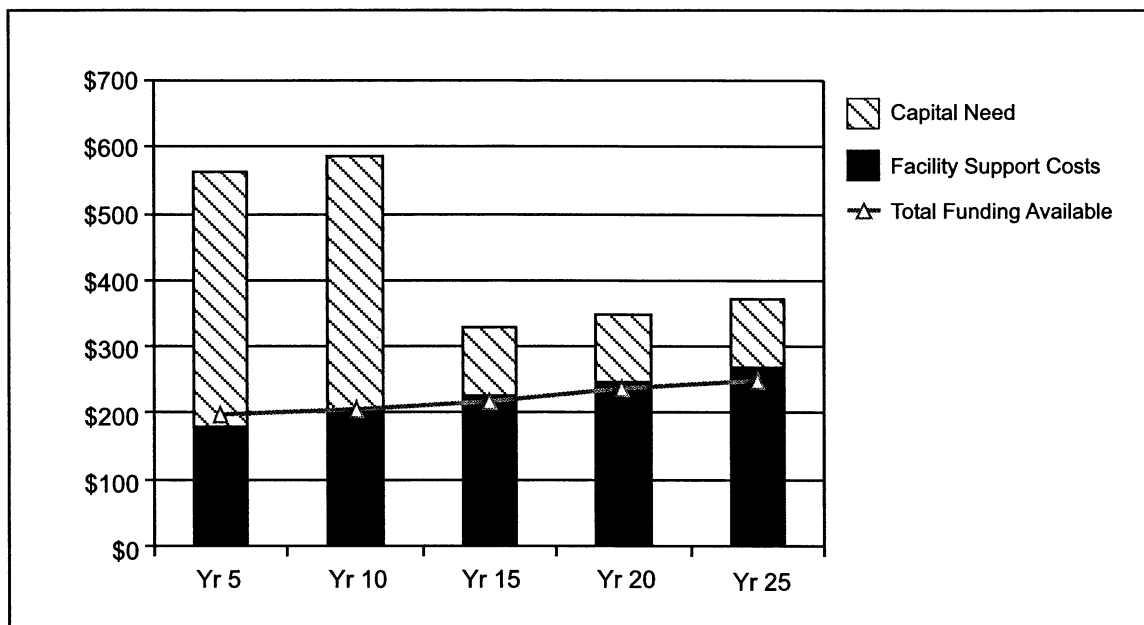
In addition to the Courthouse and Criminal Justice Facility Construction Funds, Riverside, San Francisco, and San Bernardino Counties are authorized to add surcharges to civil filing fees. In fiscal year 1998-99 \$57 million was deposited in the Courthouse Construction Fund, with \$30.6 million committed annually to debt service. The amount available to fund new projects will increase as the debt is retired.

The Criminal Justice Facilities Construction Fund is principally used by counties to fund other justice system facility needs, not courthouse construction. Therefore, the Task Force does not consider this

fund to be a realistic or appropriate source of revenue for future court construction. It is, however, an existing source of funding for current debt for which the fund is already committed.

Revenues from criminal fine penalties and civil filing surcharges are also likely to grow, commensurate with the increased caseload forecasted by the Task Force over the next 20 years. Based on existing revenue sources and the funding needs projected earlier, the unfunded cost for existing and needed court facilities was modeled. The annual cost and funding model is illustrated in Figure 3 below.

Figure 3
ANNUAL COST & FUNDING MODEL
Scenario: Maximum Reuse – Pay-As-You-Go, with Existing Revenues
(\$ Millions)



The above model is based on paying all design, development, and construction costs as they are incurred, so-called pay-as-you-go financing. If the current need were financed, the peak annual cost would be reduced by approximately 20 percent, while substantially increasing the total cost due to the interest cost of borrowing money.

The Task Force recommends the following existing and new revenue streams be used to fund the trial court facilities once responsibility has transferred to the state:

- **County General Fund – Maintenance of Effort (MOE)** - The Task Force recommends that funds historically spent by counties to maintain existing court facilities be transferred to the state in perpetuity. To accomplish this, the Task Force recommends that MOE obligations be established similar to the ones established by the Act for transferring counties' historical trial court operations funds to the state.
- **Criminal Fine Penalties** – The Task Force recommends that these funds be transferred to the state (75 percent) and local court (25 percent) and that penalties be standardized statewide at \$5 for each \$10 of criminal fines, penalties, and forfeitures.

- **Civil Filing Surcharges** – These surcharges are currently collected in Riverside, San Francisco, and San Bernardino Counties, and the Task Force recommends that this revenue be extended and made a uniform \$50 on civil filing fees throughout the state following the San Francisco model.
- **State General Fund** – Court facility management, operating, and maintenance costs in excess of the amount collected from the recommended facilities MOE should be funded from the state general fund. Funding requests should be incorporated into the Judicial Council’s annual trial court budget process and the state’s support budget process. Court facility alteration, renovation, and construction projects that are not funded from Courthouse Construction Funds transferred to the state should be funded from the state general fund.

Based on the above recommendations, total revenue generated for construction of trial court facilities would initially be \$179.1 million per year, increasing to a projected \$246.5 million in 20 years. The increased revenues would offset a significant portion of the current facilities need and, if achieved, could fully fund the projected future need.

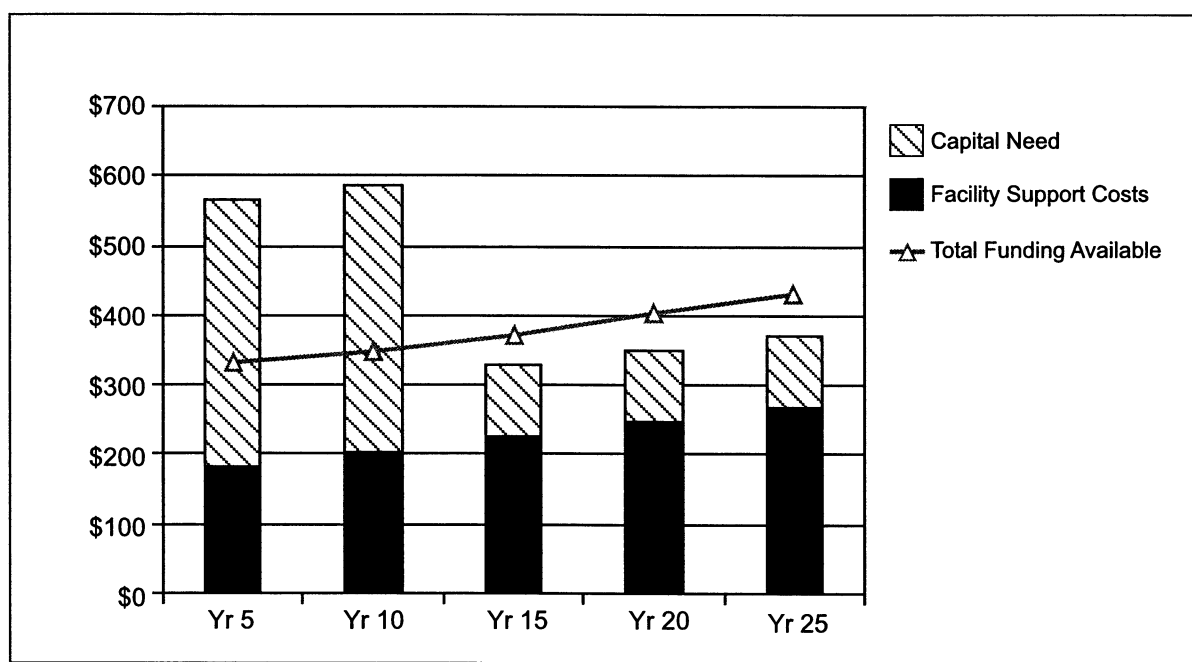
All capital development and facilities support costs throughout this report are expressed in 1999 dollars, current at the time of the survey and evaluation. To adjust the total capital need to 2001 dollars, an escalation factor of 3.74% derived from the California Construction Cost Index may be applied to all capital costs presented throughout the report. To adjust facilities support costs to 2001 dollars, an escalation factor of 5.98% derived from Bureau of Labor Statistics Producer Price Indices may be applied.

Once current facilities needs are satisfied, the courts’ capital development requirements could be funded entirely from fees, without dependence on state capital outlay funds. This would satisfy the goal of establishing a stable and reliable funding source.

The courthouse construction revenues are designed exclusively to fund capital development projects. Therefore the Task Force recommends that the revenues should be reevaluated once the current need is met, and that the fees be adjusted to reflect the capital budget requirements. As an alternative, legislation could be enacted to allow the collected funds to be used to offset facility support costs.

The annual cost and funding model based on the proposed revenue increases is illustrated in Figure 4.

Figure 4
ANNUAL COST & FUNDING MODEL
Scenario: Maximum Reuse – Pay-As-You-Go, with Proposed New Revenue
(\$ Millions)



Transition

The Task Force recommends that transfer of responsibility for trial court facilities occur over a three-year period, with the counties retaining funding responsibility for existing debt payments, facilities management, and maintenance costs through a Memorandum of Understanding (MOU) with the Judicial Council that includes a MOE obligation. Court facility responsibility for new judgeships and court employees (associated with those positions authorized after January 1, 1998) should continue to rest with the state. Facility responsibility related to existing judgeships and court employees should remain with each county until transferred to the state under the terms of the MOU. Responsibilities of parties sharing mixed-use buildings should be established by agreement in the MOU.

To transfer responsibility for trial court facilities from the counties to the state, the Judicial Council and local courts will need to organize and staff a transition team for the short term. Completing the transfer in three years will be a formidable task. During this period, the Judicial Council must design and staff the transition organization; train staff; develop policies, procedures, and schedules; establish MOE's; negotiate the responsibilities of counties and the state relative to over 400 trial court facilities; and negotiate MOU's with all 58 counties. The long-term organization should be designed to assume responsibility for an increasing portfolio of court facilities, as agreements are executed with each county and facilities responsibility is transferred to the state. In addition, the long-term organization should integrate transitional staff as their transitional tasks are completed. Coordinating responsibilities and activities of the long-term and transitional (short-term) organizations will be critical to the success of the transfer of responsibility.

The Task Force recommends that the transfer of responsibility for trial court facilities from the counties to the state be conducted according to the following schedule:

Table 2
Proposed Timeline for Transition

Date	Activity
October 1, 2001	<ul style="list-style-type: none"> • Task Force issues its final report.
October 2001 to September 2002	<ul style="list-style-type: none"> • Bill is enacted transferring responsibility for trial court facilities to the state. • Initial transition funded. • Judicial Council develops long-term and transitional organizations.
July 2002 to January 2003	<ul style="list-style-type: none"> • Judicial Council and local courts fill key staff positions in new facilities organization.
January 2003	<ul style="list-style-type: none"> • Law transferring facilities responsibility to the courts takes effect.
January 2003 to December 2005	<ul style="list-style-type: none"> • Negotiations between the Judicial Council and the counties occur. • Trial court facility responsibility transfers to state, county by county or facility by facility, in accordance with terms of the negotiated MOU.
January 1, 2006	<ul style="list-style-type: none"> • Transfer of trial court facility responsibility to the state is completed.

The Task Force also recommends that the Judicial Council and local courts, with the advice and counsel of the state Departments of Finance and General Services, develop the organizational structure, staffing, and capacity necessary for the long-term management of trial court facilities, considering the following:

- Which facility management functions are best handled centrally, regionally, or locally.
- The benefits of using in-house staff or contracting with the counties, the Department of General Services, or other providers.
- That facilities planning, acquisition (e.g., design, land purchase, construction, leasing), and facility operations and maintenance will grow as facility responsibilities are transferred to the state, and will continue to grow as new facilities are built.
- How to build long-term organizational capacity while simultaneously carrying out one-time tasks necessary for the successful transition of responsibility for court facilities from the counties to the state.
- Establishing operating policy and procedures and adequately staffing both long-term and short-term activities critical for the successful transfer of facilities responsibilities.

Legislative Charge

The Task Force on Court Facilities was created by the Lockyer-Isenberg Trial Court Funding Act of 1997, AB 233 - Escutia and Pringle, and was charged by the legislation with several specific tasks. The response to the charge is summarized below.

Government Code Section 77653:

The duties of the task force shall include all of the following:

- (a) Document the state of existing court facilities.
 - The Task Force conducted an intensive on-site survey, inventory, and evaluation of all court facilities in the state.
 - The findings of the survey, inventory, and evaluation are contained in 58 reports on county courts, the Phase 4 report, Trial Court Facilities: Inventory, Evaluation and Planning Options, and the report, Evaluation and Plan for Supreme Court and Courts of Appeal. The findings relative to the trial courts are summarized in Chapter 4 of this report.
- (b) Document the need for new or modified court facilities and the extent to which current court facilities are fully utilized.
 - As part of the survey, inventory, and evaluation of court facilities the current utilization of court facilities was documented and the need for modifying existing facilities and for new facilities to meet both current and future need was determined.
 - The findings of the survey, inventory, and evaluation are contained in 58 reports on county courts, the Phase 4 report, Trial Court Facilities: Inventory, Evaluation and Planning Options, and the report, Evaluation and Plan for Supreme Court and Courts of Appeal. The findings relative to the trial courts are summarized in Chapter 4 of this report.
- (c) Document the funding mechanisms currently available for maintenance, operation, construction, and renovation of court facilities.
 - The Task Force reviewed current and future funding mechanisms to support court facilities.
 - The review is contained in the Phase 5 report, Trial Court Facilities: Responsibility, Funding, and Transition, and is summarized in Chapter 5 of this report.
- (d) Examine existing standards for court facility construction.

- The Task Force developed court facility guidelines based on reviewing the Judicial Council's 1991 California Trial Court Facilities Standards, and standards adopted by the National Center for State Courts, other states, and the federal government.
 - The guidelines developed by the Task Force are contained in three reports, Trial Court Facilities Guidelines, Appellate Court Guidelines, and Facility Guidelines for Technology in the Courthouse, and are summarized in Chapter 2 of this report.
- (e) Document the impacts of state actions on court facilities and other state and local justice system facilities.
- The Task Force developed projections of growth of judicial officers and staff through 2020 and used these projections, together with the Facilities Guidelines, to estimate the facilities needed to accommodate future growth. In addition, the Task Force analyzed the impact of an additional judicial position on other justice agencies.
 - The projections of growth in judicial officers and staff are documented in the Phase 3 report, Forecasts of Future Need, and summarized in Chapter 3 of this report. The facility implications of the projected growth were documented in the 58 reports on county courts, the Phase 4 report, Trial Court Facilities: Inventory, Evaluation and Planning Options, and the report, Evaluation and Plan for Supreme Court and Courts of Appeal. The findings relative to the trial courts are summarized in Chapter 4 of this report. The analysis of the impact of an additional judicial officer on other justice agencies is provided in Appendix B of this report.
- (f) Review and recommend operational changes which may mitigate the need for additional court facilities, including the implementation of methods to more fully utilize existing facilities.
- Throughout its evaluation and planning activities, the Task Force considered various ways in which operational efficiencies could increase the utilization of existing facilities.
 - Further, the Task Force analyzed numerous potential changes to court operations that could allow fuller utilization of existing facilities and could mitigate the need for additional court facilities. In addition, the specific space and cost savings that may be realized through implementation of the more promising of these potential changes were analyzed. The analyses of the potential changes and the associated savings are documented in two reports, Space Mitigation Working Group Report and Space Mitigation Cost Analysis, and summarized in Appendix A of this report.
- (g) Review and provide recommendations on concepts regarding security; operational flexibility; alternative dispute resolution; meeting space; special needs of children, families, victims, and disabled persons; technology; the dignity of the participants; and any other special needs of court facilities.
- The Task Force developed court facility guidelines which address these aspects of court facility design.

- The guidelines developed by the Task Force are contained in three reports, Trial Court Facilities Guidelines, Appellate Court Guidelines, and Facility Guidelines for Technology in the Courthouse, and are summarized in Chapter 2 of this report.
- (h) Recommend specific funding responsibilities among the various entities of government for support of trial court facilities and facility maintenance including, but not limited to, full state responsibility or continued county responsibility.
- The Task Force recommends that responsibility for trial court facilities transfer to the state and has developed detailed principles to guide the transfer.
 - The recommendation, supporting reasons, and transfer principles are documented in the Phase 5 report, Trial Court Facilities: Responsibility, Funding, and Transition, and are summarized in Chapter 5 of this report.
- (i) Recommend funding sources and financing mechanisms for support of court facilities and facility maintenance.
- The Task Force has developed detailed recommendations regarding funding and financing of facility support activities.
 - The recommendations regarding funding and financing are documented in the Phase 5 report, Trial Court Facilities: Responsibility, Funding, and Transition, and are summarized in Chapter 5 of this report.

Government Code Section 77654:

- (c) The task force shall review all available court facility standards and make preliminary determinations of acceptable standards for construction, renovation, and remodeling of court facilities, and shall report those preliminary determinations to the Judicial Council, the Legislature, and the Governor in an interim report on or before July 1, 1999.
- The Task Force developed court facility guidelines after reviewing the Judicial Council's 1991 California Trial Court Facilities Standards, and standards adopted by the National Center for State Courts, other states, and the federal government.
 - The guidelines developed by the Task Force are contained in three reports, Trial Court Facilities Guidelines, Appellate Court Facilities Guidelines, and Facility Guidelines for Technology in the Courthouse, and are summarized in Chapter 2 of this report.
- (d) The task force shall complete a survey of all trial and appellate court facilities in the state and report its findings to the Judicial Council, the Legislature, and the Governor in a second interim report on or before January 1, 2001. The report shall document all of the following:
- (1) The state of existing court facilities.
- This is documented in Chapter 4 of the report.

- (2) The need for new or modified court facilities.
 - This is documented in Chapters 3 and 4 of the report.
- (3) The currently available funding options for constructing or renovating court facilities.
 - This is documented in Chapter 5 of the report.
- (4) The impact which creating additional judgeships has upon court facility and other justice system facility needs.
 - This is documented in Chapters 3 and 4 and in Appendix B of the report.
- (5) The effects which trial court coordination and consolidation have upon court and justice system facilities needs.
 - This is documented in Chapter 4 of the report.
- (6) Administrative and operational changes which can reduce or mitigate the need for added court or justice system facilities.
 - This is documented in Appendix A of the report.
- (7) Recommendations for specific funding responsibilities among the entities of government including full state responsibility, full county responsibility, or shared responsibility.
 - This is documented in Chapter 5 of the report.
- (8) A proposed transition plan if responsibility is to be changed.
 - This is documented in Chapter 5 of the report.
- (9) Recommendations regarding funding sources for court facilities and funding mechanisms to support court facilities.
 - This is documented in Chapter 5 of the report.
- (e) The interim reports shall be circulated for comment to the counties, the judiciary, the Legislature, and the Governor. The task force may also circulate these reports to users of the court facilities.
 - The Task Force issued its Second Interim Report, including a solicitation for comments, to the judiciary, the Legislature, and the Governor, as well as to the counties and the local courts, on March 31, 2001. Reference documents were provided with the report including: Phase 2 – Facilities Guidelines; Phase 3 – Forecasts of Future Need; Phase 4 – Trial Court Facilities: Inventory, Evaluation, and Planning Options; Phase 5 – Trial Court Facilities: Responsibility, Funding, and Transition; Space Mitigation Working Group Report; Space

Mitigation Cost Analysis; and Report of the Working Group on the Impact of Court Unification on Court Facilities.

- (f) The task force shall submit a final report to the Judicial Council, the Legislature, and the Governor on or before July 1, 2001. The report shall include all elements of the interim reports incorporating any changes recommended by the task force in response to comments received.
- This report covers the trial courts, while the separate report of the Evaluation and Plan for Supreme Court and Courts of Appeal addresses the appellate courts. Together they constitute the Final Report of the Task Force.
 - The Task Force has reviewed all comments received concerning the Second Interim Report, and has incorporated in this Final Report all changes recommended by the Task Force in response to those comments.

The full text of the relevant portions of the Act is included in the following pages.

TASK FORCE ON COURT FACILITIES
Excerpted from the Lockyer-Isenberg Trial Court Funding Act of 1997
(AB 233) as amended by AB 1935

77650. The Task Force on Court Facilities is hereby established in state government and charged with identifying the needs related to trial and appellate court facilities, and options and recommendations for funding court facility maintenance, improvements, and expansion, including the specific responsibilities of each entity of government.

77651. The task force shall be composed of 18 members, appointed as follows:

(a) Six members appointed by the Chief Justice who shall be from urban, suburban, and rural courts. Four representatives may be either trial court judges or trial court administrators. One representative shall be a justice of the courts of appeal.

(b) Six members appointed by the Governor from a list of nominees submitted by the California State Association of Counties, who represent urban, suburban, and rural counties. Four representatives may be either county supervisors or county administrators. One representative shall be a person with court security responsibility.

(c) Two members appointed by the Senate Rules Committee, one of whom shall represent the State Bar or an associated attorney organization, neither of whom would be eligible for appointment under subdivision (a) or (b).

(d) Two members appointed by the Speaker of the Assembly, one of whom shall represent the State Bar or an associated attorney organization, neither of whom would be eligible for appointment under subdivision (a) or (b).

(e) The Director of General Services and the Director of Finance.

(f) The Chief Justice shall designate one of these representatives as the chairperson of the task force.

77652. The Judicial Council shall provide staff support for the task force and shall develop guidelines for procedures and practices for the task force. The Department of General Services, the Department of Finance, and the Legislative Analyst shall provide additional support, at the request of the Judicial Council. The California State Association of Counties is encouraged to provide additional staff support.

77653. The duties of the task force shall include all of the following:

(a) Document the state of existing court facilities.

(b) Document the need for new or modified court facilities and the extent to which current court facilities are fully utilized.

(c) Document the funding mechanisms currently available for maintenance, operation,

construction, and renovation of court facilities.

(d) Examine existing standards for court facility construction.

(e) Document the impacts of state actions on court facilities and other state and local justice system facilities.

(f) Review and recommend operational changes which may mitigate the need for additional court facilities, including the implementation of methods to more fully utilize existing facilities.

(g) Review and provide recommendations on concepts regarding security; operational flexibility; alternative dispute resolution; meeting space; special needs of children, families, victims, and disabled persons; technology; the dignity of the participants; and any other special needs of court facilities.

(h) Recommend specific funding responsibilities among the various entities of government for support of trial court facilities and facility maintenance including, but not limited to, full state responsibility or continued county responsibility.

(i) Recommend funding sources and financing mechanisms for support of court facilities and facility maintenance.

77654. (a) The task force shall be appointed on or before October 1, 1997.

(b) The task force shall meet and establish its operating procedures on or before September 1, 1998, and submit its plan for the entire review of court facilities by October 1, 1998, to the Judicial Council, Legislature, and Governor.

(c) The task force shall review all available court facility standards and make preliminary determinations of acceptable standards for construction, renovation, and remodeling of court facilities, and shall report those preliminary determinations to the Judicial Council, the Legislature, and the Governor in an interim report on or before July 1, 1999.

(d) The task force shall complete a survey of all trial and appellate court facilities in the state and report its findings to the Judicial Council, the Legislature, and the Governor in a second interim report on or before January 1, 2001. The report shall document all of the following:

(1) The state of existing court facilities.

(2) The need for new or modified court facilities.

(3) The currently available funding options for constructing or renovating court facilities.

(4) The impact which creating additional judgeships has upon court facility and other justice system facility needs.

(5) The effects which trial court coordination and consolidation have upon court and justice system facilities needs.

(6) Administrative and operational changes which can reduce or mitigate the need for added court or justice system facilities.

(7) Recommendations for specific funding responsibilities among the entities of government including full state responsibility, full county responsibility, or shared responsibility.

(8) A proposed transition plan if responsibility is to be changed.

(9) Recommendations regarding funding sources for court facilities and funding mechanisms to support court facilities.

(e) The interim reports shall be circulated for comment to the counties, the judiciary, the Legislature, and the Governor. The task force may also circulate these reports to users of the court facilities.

(f) The task force shall submit a final report to the Judicial Council, the Legislature, and the Governor on or before July 1, 2001. The report shall include all elements of the interim reports incorporating any changes recommended by the task force in response to comments received.

(g) Notwithstanding any other provision of law, during the period from July 1, 1997 to June 30, 2001, the board of supervisors of each county shall be responsible for providing suitable and necessary facilities for judicial officers and court support staff for judicial positions created prior to July 1, 1996, to the extent required by Section 68073. The board of supervisors of each county shall also be responsible for providing suitable and necessary facilities for judicial officers and court support staff for judgeships authorized by statutes chaptered in 1996 to the extent required by Section 68073, provided that the board of supervisors agrees that new facilities are either not required or that the county is willing to provide funding for court facilities. Unless a court and a county otherwise mutually agree, the state shall assume responsibility for suitable and necessary facilities for judicial officers and support staff for any judgeships authorized during the period from January 1, 1998, to June 30, 2001.

77655. Notwithstanding any other provision of law, including Section 68073, the findings of the task force shall not be considered or entered into evidence in any action brought by trial courts to compel a county to provide facilities that the trial court contends are necessary and suitable.

CHAPTER 1

Introduction

1 *Purpose and Objectives of the Task Force*

The Lockyer-Isenberg Trial Court Funding Act of 1997, AB 233 – Escutia and Pringle (Act) was passed by the California Legislature on September 13, 1997, and signed into law by Governor Wilson on October 10, 1997. The Act transferred responsibility for funding trial court operations from the counties¹ to the state. Although the counties retained responsibility for court facilities, the Act established the Task Force on Court Facilities to identify trial and appellate court facilities needs; identify options and recommendations for funding court facility maintenance, improvements, and expansion; and recommend the division of responsibilities among the various government entities.

The Act required that the Task Force review all available court facility standards and make preliminary determinations of acceptable standards for construction, renovation, and remodeling of court facilities, complete a survey of all trial and appellate court facilities in the state, and report its findings to the Governor, Legislature, and Judicial Council in this Second Interim Report. Specific provisions of the Act are as follows:

Government Code Section 77653:

“The duties of the task force shall include all of the following:

- (a) Document the state of existing court facilities.
- (b) Document the need for new or modified court facilities and the extent to which current court facilities are fully utilized.
- (c) Document the funding mechanisms currently available for maintenance, operation, construction, and renovation of court facilities.
- (d) Examine existing standards for court facility construction.
- (e) Document the impacts of state actions on court facilities and other state and local justice system facilities.
- (f) Review and recommend operational changes which may mitigate the need for additional court facilities, including the implementation of methods to more fully utilize existing facilities.
- (g) Review and provide recommendations on concepts regarding security; operational flexibility;

¹ Throughout this report, the terms “county” and “counties” include the City and County of San Francisco.

alternative dispute resolution; meeting space; special needs of children, families, victims, and disabled persons; technology; the dignity of the participants; and any other special needs of court facilities.

- (h) Recommend specific funding responsibilities among the various entities of government for support of trial court facilities and facility maintenance including, but not limited to, full state responsibility or continued county responsibility.
- (i) Recommend funding sources and financing mechanisms for support of court facilities and facility maintenance.”

Government Code Section 77654, Subdivision (d):

“...The report shall document all of the following:

- (1) The state of existing court facilities.
- (2) The need for new or modified court facilities.
- (3) The currently available funding options for constructing or renovating court facilities.
- (4) The impact which creating additional judgeships has upon court facility and other justice system facility needs.
- (5) The effects which trial court coordination and consolidation have upon court and justice system facilities needs.
- (6) Administrative and operational changes which can reduce or mitigate the need for added court or justice system facilities.
- (7) Recommendations for specific funding responsibilities among the entities of government, including full state responsibility, full county responsibility, or shared responsibility.
- (8) A proposed transition plan if responsibility is to be changed.
- (9) Recommendations regarding funding sources for court facilities and funding mechanisms to support court facilities.”

In accordance with the Act, the Task Force submitted its plan for the review of court facilities to the Governor, Legislature, and Judicial Council on October 1, 1998. Its first interim report was submitted on October 1, 1999, and circulated for comment to the Governor, the Legislature, the Judicial Council and other parties specified in the Act. The Task Force submits this Second Interim Report in compliance with the requirement to complete its survey of court facilities and submit its findings to the Governor, the Legislature, the Judicial Council, the counties, and other parties specified in the Act. The Task Force’s final report to the Governor, Legislature, and Judicial Council will be submitted before October 1, 2001.

2 Task Force Composition and Structure

The Act established an 18-member Task Force that reflects different points of view, composed as follows:

- Six members, including the chair, appointed by the Chief Justice representing urban, suburban, and rural courts, including a justice of the court of appeal, three trial court judges, and two trial court administrators.
- Six members appointed by the Governor, from a list of individuals submitted by the California State Association of Counties (CSAC) representing urban, suburban, and rural counties, including four county supervisors, one county administrator, and one sheriff with court security responsibilities.
- Two members appointed by the Senate Rules Committee, one representing the State Bar.
- Two members appointed by the Speaker of the Assembly, one representing the State Bar.
- The Director of General Services and the Director of Finance each appointed one member as their representative.

The Task Force adopted a committee structure to facilitate its work and to review work performed by the consultants to the Task Force as follows:

- Standards & Evaluation Committee – Responsible for the review of existing standards for court facility construction and the development of new planning and design guidelines for use in the study, and for establishing the facility evaluation procedures.
- Needs & Projections Committee – Responsible for forecasting future court facility needs.
- Finance & Implementation Committee – Responsible for recommending funding responsibilities, sources and mechanisms, and a proposed transition plan.
- Planning Committees North and South – Responsible for reviewing the consultants' survey findings and planning options for the northern and southern counties, respectively.

The Task Force organized six working groups to focus on specific issues related to its legislative charge. The members of each working group were selected to provide a variety of perspectives related to the group's focus. The working groups and their missions were as follows:

- Statistical Oversight Working Group – Review and guide the work of the court projections consultant to ensure that forecasts of space needs are valid and supportable.
- Space Mitigation Working Group – Recommend operational changes that may mitigate the need for additional court facilities, including the implementation of methods to more fully utilize existing facilities.
- Appellate Court Facility Standards Working Group – Provide recommendations on the form and content of adequate court facility standards for use in evaluating appellate court facilities, and

provide recommendations on proposed capital development alternatives for State appellate court facilities.

- **Impact of Technology on Court Facilities Standards Working Group** – Identify and provide direction related to technology issues impacting court facilities, and provide a forum for the introduction of technology industry representatives and technology planners in the court facilities planning process.
- **Security Standards for Court Facilities Working Group** – Provide recommendations relative to standards for security in court facilities and serve as liaison between the Task Force and the State of California Sheriffs' Association Committee on Court Security.
- **Impact on Court Unification on Court Facilities and Future Staffing Working Group** – Provide direction concerning the impact of court unification on court facilities; furnish recommendations relative to the probable impact of court unification on future court operations, court staffing, and space needs; and identify other concerns arising from court unification.

The Act required the Judicial Council to provide the Task Force with staff support. Because of the size and complexity of the project, the Council's Administrative Office of the Courts (AOC) retained the consultant team of DMJM/Spillis Candela, in association with Justice Planning Associates, Vitetta Group, and AeCOM. The consultant team provided the Task Force with professional facility evaluation and planning services. AOC staff and the consultant team were responsible for implementing the Task Force's work plan and providing information for policy level decision making.

3 *Organization of the Task Force Work*

To accomplish its charge set forth in the Act, the Task Force performed its work in five phases as described in the following sections:

Phase 1: Work Plan – During this initial phase the Task Force established operating procedures and developed a plan for the review of court facilities and for other duties as prescribed by the Act. Toward that end, the Task Force developed a work plan, intended to serve as a living document, that described the organization of the Task Force, committees, and working groups; identified tasks and critical milestones; identified required resources; and adopted a detailed work schedule. All 58 counties were mailed questionnaires to determine the number of court facilities in each jurisdiction, as well as their age, size, and use. In addition, a preliminary field survey of four court facilities was conducted by the consultants to test initial data collection procedures and determine the amount of effort required to complete the study.

Phase 2: Facilities Guidelines – This phase focused on developing court facility guidelines for use in evaluating existing facilities and defining the required space program for any new or renovated facilities. In addition to reviewing the Judicial Council's 1991 California Trial Court Facilities Standards, the Task Force reviewed standards adopted by the National Center for State Courts, other states, and the federal government. To better understand the impact facilities have on court operations, and to identify planning and design issues, Task Force members initially visited numerous court facilities in California and other states. Throughout the course of this phase, the Task Force visited additional court facilities to ensure that the proposed guidelines were reasonable, useful, and cost-effective for the evaluation of existing facilities prior to their adoption.

The Task Force issued its Preliminary Determination: Trial Court Facilities Guidelines for review on October 1, 1999. Two other reports, Preliminary Determination: Appellate Court Guidelines and Preliminary Determination: Facility Guidelines for Technology in the Courthouse, were issued on January 1, 2000. These reports (Facilities Guidelines) are summarized in Chapter 2 of this report.

Phase 3: Forecasts of Future Need – Concurrent with the review and development of facilities guidelines in Phase 2, the consultants prepared forecasts of the future need for additional court facilities. Using 18 years of historical data, population projections from the Department of Finance, and multiple statistical forecasting tools, the consultants projected the probable number of judges and court support staff through 2020, in five year increments. This was done to determine the “impact which creating additional judgeships has upon court facility and other justice system facility needs,” as required by the Act, and to provide a model for capital planning for future needs.

To ensure that the forecasting models were logical, consistent, and statistically valid, the Needs and Projections Committee established a Statistical Oversight Working Group to review the process and results. The working group included representatives from the State Department of Finance, Legislative Analyst’s Office, California State Association of Counties, and the Administrative Office of the Courts. The forecasts developed for this study are intended for long-range planning only. The Task Force’s projections of new judicial officer positions are in no way intended to override or influence the analysis of judicial officer needs performed by the Judicial Council or its advisory committees. The approach and findings of this phase are summarized in Chapter 3 of this report.

Phase 4: Inventory, Evaluation, and Planning Options – The process used in Phase 4 was the foundation for understanding the existing condition of the state’s court facilities, and for developing an assessment of the capital requirements for facility improvement and expansion over the 20-year planning horizon. The evaluation focused on three attributes of the court facilities surveyed: physical condition, functionality, and space. The overall building was evaluated for the first two attributes, while the internal components or interior spaces of the building were evaluated for all three. The Facilities Guidelines developed in Phase 2 were used as the benchmark for evaluating the size and function of existing court facilities. Every facility, including its principal components, was rated as either “adequate,” “marginal,” or “deficient” through the evaluation process. The Facilities Guidelines were used as a tool for determining current space needs, while the forecasts of judicial positions and staff developed in Phase 3 were used, in conjunction with the guidelines, to determine future court space needs. These forecasts were then compared to the amount of available space (i.e., space categorized as adequate or marginal) to determine the need for additional space (shortfalls).

Major tasks of this comprehensive process included the following:

- Inventory and Evaluation Tasks
 - Field survey of every building and space currently occupied by the courts
 - Interview county and court representatives in each county
 - Assess the adequacy of court facilities based on physical condition, function, and size
- Planning Tasks
 - Identify space shortfalls relative to current needs

- Project additional space required to meet forecasted future growth
- Identify planning options for each county
- Estimate the level of capital investment required to meet current and future court facilities needs

The planning options are intended as tools for modeling future facility costs, rather than to serve as specific recommendations for planning and development. The capital costs developed for the planning options represent an estimate of funding requirements. Estimates of building construction cost were prepared, and factors applied to allow for costs over and above the building construction cost, such as furnishings, fixtures, and equipment, professional fees, testing, permits, parking, site development, and land acquisition.

The results of the inventory and evaluation of court facilities and planning options for each county were presented to the Task Force's Planning Committees. The purpose of the review was to keep the Task Force apprised of the consultants' findings and planning options, and to receive its comments and direction. This was done as a prelude to preparation of the comprehensive report documenting the inventory and evaluation findings and planning options for each local court.

The county reports were distributed to courts and counties for review and comment. The purpose of this review was threefold:

- To verify facility information that was included in the database
- To provide the court and county with the results of the evaluation of existing court facilities, and seek their review and comments
- To seek the court's and county's perspectives and concerns with regard to the suggested planning options

The inventory, evaluation, and planning options were summarized statewide. The statewide findings are summarized in Chapter 4 of this report.

Phase 5: Responsibility, Funding, and Transition – This phase focused on the responsibility for court facilities, the funding resources necessary to address the capital facility needs of the trial courts, and transition issues including organization and implementation. In its response to its legislative charge, the Task Force addressed the following three fundamental and interrelated questions:

- What governmental entity should be responsible for trial court facilities in the state of California?
- What are the organizational structures and funding necessary to support the proposed responsibility to ensure that there are adequate and sufficient court facilities?
- How should recommended changes be implemented?

The effort of this phase included the following:

- Review court facilities responsibility in other states, including organizational and financing strategies

- Evaluate options for court facilities responsibility, from full state ownership to full county ownership
- Develop recommended organizational and funding options
- Develop organizational structure for court facilities responsibility
- Develop a transition program to implement the transfer of responsibility for court facilities

The information was used to develop the specific recommendations of the Task Force regarding court facility funding responsibility and the transition plan. It was also used to establish a set of principles regarding court facility responsibility and to guide the transfer of responsibility for court facilities.

CHAPTER 2

Facilities Guidelines

1 *Overview of Guidelines Development*

During Phase 2, the Task Force reviewed all available court facility standards and made preliminary determinations of acceptable standards for construction, renovation, and remodeling. Identification of appropriate and acceptable facility standards was a crucial first step in evaluating the acceptability of existing facilities and guiding the development of new facilities in the future.

In its deliberations leading to establishing preliminary determinations of acceptable facility standards, the Task Force was guided by its awareness of their central importance to its charge under the Act. The Task Force concluded that nothing in the Act envisioned that the determinations of the Task Force should limit or dictate future development of court facilities, but rather that they should provide general guidance. In this sense, the determinations of the Task Force were viewed as guidelines rather than rigid standards. For that reason, the term "guidelines" was used throughout the document developed under Phase 2 of the study.

In this phase of the work, the Task Force had the opportunity to recommend how to best shape the built environment to fulfill the mission of the courts. Thus these court facility guidelines reflect the philosophical, organizational, and operational goals of the court system, providing a body of recommendations that will influence the design and construction of facilities that support the mission and goals of the court.

The guidelines developed by the Task Force through this phase of the work include specific recommendations related to the size, form, function, and image of the courthouse, that conform to the following criteria:

- They are quantifiable in terms of size, characteristics, and ratios of space to staff and support functions.
- They deal with key issues, such as how court facilities can be adapted to future change, including technology and electronic data information systems; and how security, accessibility, and other functional requirements should be addressed.
- They examine and address the image of justice, ranging from the historic image of the courthouse, to streamlining the justice process, to the overarching consideration of the public as the ultimate user, and how the system facilitates both access to justice and, ultimately, service to the public.
- They explore how facilities will respond to organizational changes over time to better serve the public, including issues of consolidation, unification, and special concerns of the family and juvenile courts.

The Task Force intended that the guidelines focus attention on the components of a court facility and serve as an evaluative tool, though not a template, to assist in assessing the condition of existing facilities and future needs. The Task Force recognized that the guidelines may have a useful life beyond their role in evaluating existing court facilities. To the extent that they address new construction, they may assist those involved in the design of courthouse facilities that meet the following objectives:

- Protect the rights of the accused, while helping ensure the safety of witnesses, jurors, litigants, and court personnel.
- Function well, meet health and safety codes, and incorporate the best design ideas developed to date.

The Task Force attempted to produce guidelines that are sufficiently descriptive, though not unduly restrictive, to provide a basis for evaluating the adequacy of existing court facilities, serve as a useful starting point for planners of future court facilities, and allow for regional and cultural variations within the state.

2 *Statutory Framework for Developing Guidelines*

The Act mandated the following duties of the Task Force applicable to the development of guidelines:

Government Code Section 77653:

“The duties of the task force shall include all of the following:

- (a) Document the state of existing court facilities.
- (b) Document the need for new or modified court facilities and the extent to which current court facilities are fully utilized.
- ...
- (d) Examine existing standards for court facility construction.
- ...
- (g) Review and provide recommendations on concepts regarding security; operational flexibility; alternative dispute resolution; meeting space; special needs of children, families, victims, and disabled persons; technology; the dignity of the participants; and any other special needs of court facilities....”

Government Code Section 77654:

“...

- (c) The task force shall review all available court facility standards and make preliminary determinations of acceptable standards for construction, renovation, and remodeling of court facilities, and shall report those preliminary determinations to the Judicial Council, the Legislature, and the Governor in an interim report on or before July 1, 1999....”

In response to that charge, the Task Force developed the following series of guidelines:

- Trial Court Facilities Guidelines
- Appellate Court Facilities Guidelines
- Facility Guidelines for Technology in the Courthouse

3 *Development and Intended Use of the Guidelines*

Each of the three guidelines begins by describing the purpose of its preliminary determinations. In the view of the Task Force, these preliminary determinations of acceptable standards have two primary functions:

1. To serve as one of many tools the Task Force used in documenting and assessing court facilities
2. To act as a guide to future planners as they develop new court facilities or renovate older ones

To prepare for developing the guidelines for trial courts and appellate courts, the Task Force studied federal courthouse standards, National Center for State Courts' standards, and all available state trial court facility standards, specifically those from Alaska, Connecticut, Delaware, Maryland, Minnesota, Nebraska, New York, New Mexico, Vermont, West Virginia, and California. The Task Force used the California Trial Court Facilities Standards, adopted by the Judicial Council on November 8, 1991, as a point of reference for developing the new trial court and appellate court facility guidelines. After public review of the First Interim Report, comments were reviewed by the Task Force and, where appropriate, incorporated into the document.

In using these guidelines in the evaluation process, the Task Force recognized the uniqueness of the various areas of California; their differing histories, traditions, and perspectives; and the political and financial evolution of their current court facilities. The Task Force did not seek to change or create a single mold into which all court facilities must fit, but instead embraced the functionality, the innovation, and the ingenuity evident in many current court facilities.

The Task Force also recognized that the application of any guidelines to future court facilities must, above all, be flexible - recognizing the need for different configurations for different uses, and the needs and resources of the community in which the facility is to be located. The Task Force also recognized the critical role that technology will play in the future of justice in America. As with new social issues that come before the court, not every technological innovation can be anticipated. Therefore, the Task Force intended that the guidelines act as a benchmark in time: useful, but subject to frequent review and revision.

4 *Summary of the Trial Court Facilities Guidelines*

The Trial Court Facilities Guidelines address all court functions and activities that are intrinsic to the operation of the courts, are normally located within the court complex, and are defined by statute or rule of court as part of court operations. Other functions that might be located in, adjacent to, or near a court facility (e.g., the offices of the district attorney, public defender, county law library, or probation department) are not defined by statute as part of court operations, and are not addressed in the Guidelines. Functions such as court security or in-custody holding—which may be operationally within the purview of another organization, such as the sheriff, but are essential to the operation of the court and an integral part of the facility—are addressed in the Guidelines.

The Guidelines are organized in sections, which are summarized in the following:

The Genesis and Intended Use of Trial Court Facilities Guidelines

The authority and purpose of the Guidelines, addressed in this initial section, are summarized in the preceding paragraphs.

General Facilities Design Guidelines

This section addresses the general principles and issues shaping the design of the overall facility, including the need for efficient, safe, and cost-effective operations; the need for durability, quality, and efficiency of materials and systems; and the need for presenting an appropriate image as a symbol of justice. Recommendations are provided for the overall building configuration; for occupancy zoning; and for the overall circulation of the public, the private circulation of courthouse staff and jurors, and the circulation of in-custody defendants. Separate circulation systems are necessary to prohibit public access to in-custody defendants, and to preclude escape by persons in custody. Public service components and staff spaces are addressed through recommendations for security and public safety measures, fire and life safety provisions, and steps required to accommodate persons with disabilities. Also addressed are the special requirements for the court facility's heating, ventilating, and air conditioning systems; plumbing and electrical systems; information and communications systems; lighting; and acoustics. Finally, the section provides guidelines for parking and vehicular and pedestrian access.

The Courtroom

As the focal point of the state's judicial process, the courtroom provides the formal setting for conducting the business of the court. Traditionally it accommodates the judicial officer, clerk, reporter, bailiff, parties, attorneys, witnesses, jury, and spectators.

The courtroom guidelines focus on the area and configuration of the general-purpose, or multipurpose courtroom. Special courtrooms are viewed as special-case variants of the general-purpose, jury-trial courtroom that is capable of handling in-custody defendants. They address general principles governing the size and layout of the bench and provide recommendations for each component of the courtroom, including the spectator area and the litigation area.

The chapter also provides guidance on the functional relationships and access and egress related to courtroom locations within the building, as well as their relationship to the public, private or restricted, and secure or prisoner circulation systems. Critical technical considerations related to the design of courtrooms are also covered, including acoustics and audibility; courtroom lighting; heating, ventilating, and air conditioning; and audio, video, and electronic technology systems.

Judicial Offices and Support Space

This section furnishes guidelines and recommendations for the offices and support areas for judicial officers and staff. These include the chambers, conference room/law library, robing rooms, bailiff workstation, support staff workstations, research attorney workstations, reception/waiting areas, file areas, and copy/workroom/supply rooms. The Guidelines provide area descriptions and sizes for the judicial offices and support spaces. The chapter also addresses functional relationships, access/egress, security, and design characteristics for judicial offices and support space.

Jury Assembly and Deliberation

Recognizing that jury duty is a public service obligation, and the principal contact with the judicial system for many citizens, it is important that the jury assembly and deliberation facilities be comfortable and efficient. The Guidelines address jury assembly area requirements including the following components:

- Jury assembly room /information presentation area
- Forms counter and coffee/snack area
- Jury reception/check-in area
- Jury commissioner and assistant commissioner offices

Recommendations are also provided regarding location, access, seating; directional signage; provision of telephones, restrooms, snack areas, and vending machines; and for audio-video, telecommunications, and data systems requirements.

Court Administration

The court administrative structure often combines the traditional public and case management functions of the clerk of court with business services. Recommended space guidelines are specified for individual spaces within each of the components of the court administration areas. The recommendations also address size and arrangement for public service counters.

Court Support

Court support areas and facilities include such areas as children's waiting rooms, customer service and pro per assistance centers, victim/witness and attorney interview rooms, attorney and law enforcement waiting areas. Guidance is provided regarding the size, location, and character of workstations and related areas of each of the court support functions. Recommendations are also provided regarding the relationships of court support functions to the public access corridors and to courtrooms.

Family Court Services and Alternative Dispute Resolution

Alternative dispute resolution (ADR) services are an increasingly important part of the judicial process. In civil cases, ADR options include (1) the traditional civil case settlement process involving a judicial officer, attorneys, and the litigants; (2) mediation, involving a facilitator and the parties, sometimes without attorneys; and (3) arbitration, including an arbitrator, attorneys, and the litigants. The Guidelines provide space recommendations for family court services mediation facilities and court-based ADR services.

Court Security

Court security operations should provide a safe and secure environment for all persons and property within the courthouse in an efficient and nonintrusive way. This section addresses both active (screening stations) and passive (use of materials and design considerations) security measures. The type and level of security operations are influenced by such factors as court size and function, the existing physical environment, and community tradition. The Guidelines present a list of elements

needed and space requirements for comprehensive security operations, including public screening stations and the security command center.

In-Custody Defendant Receiving, Holding and Transportation

The facilities for processing and holding of in-custody defendants must be both secure and humane, respecting the rights of the defendants in the judicial process. This section provides recommendations for all the components of the receiving, holding, and transportation facilities, including the vehicle sallyport, central holding, control center, courtroom holding, clothing storage and dressing, attorney interview, secure corridors, and secure elevators.

Building Support Services

Building support services include those functions required for the operation of the courthouse facility and grounds, such as loading dock, food services, maintenance, and custodial. Operational considerations and facility recommendations are provided.

5 *Summary of the Appellate Court Facilities Guidelines*

In developing the Appellate Court Facilities Guidelines, the Task Force examined what constitutes an appellate court facility, and more specifically, what functions and activities both intrinsic and essential to the court's operation would be located within the court complex. The Guidelines are organized in sections, similar to and covering the same material as the Trial Court Facilities Guidelines. The sections on general facilities guidelines and on the courtroom describe the unique functions of an appellate court, and the facility planning and design implications of those functions.

General Design Guidelines

An appellate court functions without the participation of parties to the litigation, witnesses, court reporters, and juries. Of the normal participants in a trial court proceeding, only the lawyers are present. Appellate court justices work in panels of three to decide cases. The justices are assisted by research attorneys, and require substantial reference resources, ranging from the individual libraries of justices and their research attorneys, to on-line databases and central libraries.

The placement of the single courtroom dominates the organization of the facility, because of its symbolic importance and the need for public access. Public access to the courtroom and the clerk's office shapes the floor plan. Internal circulation patterns for an appellate courthouse should include separate zones for public and private circulation. The unique requirements for mechanical, electrical, fire protection, and alarm systems—as well as for information systems and building security systems—are addressed in the Guidelines.

The Courtroom

As the focal point of the state's judicial process, the appellate courtroom provides the formal setting for conducting the business of the court. The Guidelines provide specific recommendations for the size and configuration of the bench and litigation area and for the spectator area.

The appellate courtroom should provide two distinct points of entry – one for the general public, attorneys, and press, and the other for justices and court personnel. Guidelines are provided regarding

the courtroom's acoustics, lighting, heating, ventilating and air conditioning, audio, video, and electronic technology systems.

Judicial Offices and Support Space

Recommendations are provided for the offices and support areas for judicial officers and staff. These spaces include justices' chambers, attorneys' offices, workstations for judicial assistants/secretaries, judicial conference rooms, and robing rooms. This section also addresses requirements for functional relationships, access/egress, security, and design characteristics for these spaces.

Court Administration

Most appellate courts have an administrative structure that combines the traditional public and case management functions of the clerk of court with business services. The Guidelines provide functional descriptions and requirements, recommended layout and adjacencies, overall functional relationships, and access and egress requirements.

Court and Building Support, and Court Security

Recommendations are provided for the court and building support, and building security spaces, in similar fashion to those described for the Trial Court Facilities Guidelines.

6 *Summary of Facility Guidelines for Technology in the Courthouse*

In response to its legislative charge under the Act, the Task Force developed court construction guidelines that specifically address the technology needs of the courts. The Task Force recognized the increasing use of technology within the California court system, and focused on recommendations that ensure that new courthouses will be capable of efficiently integrating current and emerging technologies.

The organization of the Guidelines follows that of the Trial Court Facilities Guidelines, and addresses the business applications of technology, rather than security applications. The report is to be used in conjunction with the Guidelines for trial courts and appellate courts.

Courthouse design for technology should consider both the infrastructure (the distribution raceway systems) and the space necessary for the equipment and devices finding their way onto the desktop and into the courtroom. Good design will ensure equipment accessibility and ease of maintenance. Since technology is constantly evolving, any installation should be adaptable to change.

The Guidelines for Technology provide recommendations regarding building configurations that will accommodate technology systems, and detailed recommendations for each of the courthouse components, following the organization of the Trial Court Facilities Guidelines. Its appendices include a glossary of terms and an extensive listing of the management information systems and equipment commonly used in the courthouse.

CHAPTER 3

Forecasts of Future Need

1 *Introduction*

Overview

In Phase 3, the Task Force developed projections for caseload, judgeships, and court staff to the year 2020 for each district of the Courts of Appeal and for the trial courts in the 58 counties. This chapter documents the analyses, conclusions, and recommendations concerning judicial system growth in the state of California. It presents an introduction to the approach and methodology used to develop the projections, summarizes the salient findings, and describes the organization and structure of the complete report.

Legislative Mandate

The report of Phase 3 focuses on the following duties and responsibilities, excerpted from the Act, relating to the projection of future need for court facilities:

Government Code Section 77653:

“The duties of the task force shall include all of the following:

...

- (b) Document the need for new or modified court facilities and the extent to which current court facilities are fully utilized.

...

- (e) Document the impacts of state actions on court facilities and other state and local justice system facilities....”

Government Code Section 77654, Subdivision (d):

“...The report shall document all of the following:

...

- (2) The need for new or modified court facilities.

...

- (4) The impact which creating additional judgeships has upon court facility and other justice system facility needs.
- (5) The effects which trial court coordination and consolidation have upon court and justice system facilities needs....”

Purpose and Approach

The product of Phase 3 provided the foundation for understanding the demand for future judicial system resources, and the impact on the state’s judicial facilities. Unlike weighted caseload systems or detailed methods that attempt to define the number of judges needed during any given period, forecasting for facility planning attempts to predict what is likely to occur over a longer planning horizon, in this case 20 years. Instead of focusing on actual or perceived resource needs, facility planning predicts probable long-term future resources based on observed historical trends, applied analytical tools, and practical forecasting experience.

In the course of this study the Task Force first developed the statewide projections, then progressed to the appellate district and county levels. The statewide forecasts were used as a benchmark for comparison to the forecasts for the appellate districts and individual counties. In a similar fashion, case filings and judgeships were first projected as an aggregate, then by major case type or type of judicial officer. This approach provided a check-and-balance mechanism for the forecasting process.

To ensure that the forecasting models were logical, consistent, and statistically valid, the Needs and Projections Committee established a Statistical Oversight Working Group to review the process and results. The working group included representatives from the State Department of Finance, Legislative Analyst’s Office, California State Association of Counties, and the Administrative Office of the Courts.

2 *Forecasting Methodology*

The forecasting methodology employed historical analysis and a variety of statistical models. Approximately 18 years of historical data were obtained in order to gain an understanding of how the judicial system was evolving in the state and within each county. Data sources included the Department of Finance for population projections; the Department of Justice for crime statistics; the Administrative Office of the Courts for caseload and judgeship data; and the appellate districts and individual trial courts for staffing information.

The forecasting process proceeded in a sequential fashion, from population to caseload to judgeships to court staff. Since state and local sources best understand their regions’ historical and projected population statistics and trends, the consultants relied on population data provided by state and local agencies. Caseload projections were based on historical trends and on the caseload relationship to population. Judicial officer projections were also based on historical trends, and on the relationship of the number of judicial officers to population and caseload. Staff projections were based on historical trends and on relationships to population, caseload, and number of judicial officers.

Various types of statistical models were applied in order to develop the projections. The models included time series/trend analysis, population ratios, system interrelationship models, and regression analysis. The consultants examined the historical trends to determine whether rates of change were increasing, decreasing, or stable. Multiple statistical models were used in order to avoid relying on any single event, indicator, or trend, and because forecasts are stronger when based on the average of a

large number of different models. A detailed description of the forecasting methodology is presented in the full Phase 3 report.

Forecasting requires both historical analysis and judgment to understand the data and make reasonable predictions. The objective of the process is a realistic projection of growth. Therefore, the forecasting process employs a blend of analytical tools and professional estimates regarding system growth, combining the use of statistical methods in the analytical process with professional judgment about the data collected and the models used, to produce a recommendation for anticipated growth.

The recommended forecasts for trial courts at the county level and for the courts of appeal presented in the Phase 3 report are summarized below. They serve as the basis for projecting the growth of the court facilities to accommodate the growth of judicial positions and court staff statewide. Using area factors based on functional components and staffing levels, these space projections have been used in the development of capital improvement strategies for each appellate district and local court.

3 *Principal Findings*

The table below summarizes the principal findings of the projections for statewide total trial court and appellate court judicial officers.

**Table 3A
Summary of Projections**

	Base Year	Year 2000	% Incr.	Year 2010	% Incr.	Year 2020	% Incr.
State Population	1997						
(Millions)	33.0	34.7	105	40.9	124	47.5	144
Courts of Appeal	1998-99						
JUSTICES	90.3	96.8	107	115.5	128	133.7	148
STAFF	628	668	106	826	132	991	158
Total Trial Courts	1997-98						
JUDICIAL OFFICERS	1,986	2,048	103	2,432	122	2,826	142
STAFF*	15,031	15,495	103	18,387	122	21,312	142

* Chambers staff was not forecasted. Space for these court employees is included with the courtroom and chambers set. Employees in this category include courtroom clerks, judicial secretaries, and court reporters, and are estimated at approximately 2,500. The Task Force on Court Employees estimated FY 97/98 trial court staff at 18,000.

4 *Overview of Report Organization*

More detailed information is available in the complete Phase 3 report, including the statewide projections, appellate district, and county forecasts.

The report is organized in four volumes as follows:

I: Executive Summary

II: Courts of Appeal Projections and County Projections (Alameda through Lassen)

III: County Projections (Los Angeles through San Francisco)

IV: County Projections (San Joaquin through Yuba)

(Refer to Availability of Documents section in the preface to this report for information concerning sources and available formats of the above-referenced documents.)

CHAPTER 4

Trial Court Facilities: Inventory, Evaluation, and Planning Options

1 Introduction

The chapter is divided into five sections, as follows:

- 1. Introduction** – Provides a general introduction and overview of the chapter including the following three subsections:
 - Legislative Mandate – Describes the legislative charge related to Phase 4 of the study and the organization of the chapter.
 - Key Findings, and Current and Future Facilities Needs – Provides an overview of the survey and evaluation process and findings, together with an analysis of the range of planning options statewide and estimated capital cost to address the current and future need for court facilities in response to the legislative charge.
 - Process and Methodology – Describes the field data collection and evaluation process and summarizes the methodology used to assess the physical condition and functionality of facilities occupied by the courts, the functional adequacy of courtrooms, and additional space required to support current operations. In addition, the process of developing planning options for providing renovated and new court facilities for current and projected need is described.
- 2. Inventory Findings** – Summarizes current facilities utilization statewide based on field surveys of the state’s court facilities.
- 3. Evaluation Findings** – Summarizes the statewide findings regarding the state of the existing court facilities.
- 4. Summary of Planning Options** – Summarizes the need for new and modified facilities to meet both current and future requirements for court facilities throughout the state. Derived from planning options developed for each county, this information is summarized in terms of number of buildings, number of courtrooms, and amount of usable area for each county and statewide.
- 5. Estimated Capital Cost** – Provides an estimate of the capital cost of meeting current needs for modified and new facilities and for projected future needs for new facilities through the year 2020.

1.1 Legislative Mandate

During Phase 4, the Task Force focused on the quantitative and qualitative evaluation of all existing court facilities in order to document the following requirements of the Act:

Government Code Section 77653:

“The duties of the task force shall include all of the following:

- (a) Document the state of existing court facilities.
- (b) Document the need for new or modified court facilities and the extent to which current court facilities are fully utilized....”

Government Code Section 77654, Subdivision (d):

“...The report shall document all of the following:

- (1) The state of existing court facilities.
- (2) The need for new or modified court facilities.
- ...
- (4) The impact which creating additional judgeships has upon court facility and other justice system facility needs....”

1.2 Key Findings, and Current and Future Facilities Needs

Overview

The key findings of the inventory and evaluation process provided a comprehensive view of the condition of the existing court facilities statewide, and provided the Task Force with a platform for understanding and documenting the need for new and modified court facilities. The evaluation findings guided the development of a range of specific facilities planning options for each county. Finally, the statewide summary of the planning options provided the foundation for quantifying the need for new and modified court facilities in terms of specific development actions, together with the capital costs of addressing the need statewide.

Inventory and Evaluation Process

The Facilities Guidelines developed in Phase 2 were used as a baseline for evaluating the size and function of existing court facilities. In the course of the evaluation, the consultants to the Task Force visited every courthouse in the state and evaluated the functionality and physical condition of court buildings and their internal components, and recorded the size of court spaces for comparison against the Facilities Guidelines. To gain the knowledge and perspective of the local court and counties, the consultants interviewed county and court staff in each county. The buildings and internal components were rated as adequate, marginal, or deficient, according to evaluation criteria developed by the Task Force and described in more detail in this section.

Preliminary costs of required physical improvements to buildings and their internal components were computed from the ratings using a model based on the percentage of replacement cost of each system. Potential cost of seismic improvements of buildings housing court facilities was based on age of building and structural type.

The total space required for current need was computed based on current judicial positions and staff using the areas and ratios prescribed by the Facilities Guidelines, compared to the amount of available space rated as adequate or marginal, and the shortfall computed as the difference. However, the

shortfalls were discounted significantly during the planning process based on practical considerations. Finally, the Facilities Guidelines were used in conjunction with the forecasts developed in Phase 3 to quantify future court space needs.

Key Findings

The court system facilities are overtaxed. The facilities in most counties are in need of expansion to meet functional requirements of the courts, and many require physical improvements to meet the needs for accessibility, life safety, seismic safety, and user comfort. Key findings based on the statewide summary of the evaluation of the court facilities in all 58 counties are as follows:

1. *The trial court facilities in the 58 counties statewide consist of 451 buildings, 2,136 courtrooms, and 10,138,323 square feet of usable area (USF).*
2. *The court facilities are mostly county-owned. The counties own nearly three-fourths of the buildings used for courts, comprising 89 percent of the usable area of court facilities, and the balance of space is leased.*
3. *Most of California's trial court facilities are housed in mixed-use buildings, wherein the dominant use is for courts.*
 - The courts occupancy comprises nearly half (49 percent) of the total usable area of buildings occupied by courts.
 - Eighty nine percent of the usable area of courts are in mixed-use buildings.
 - Only 14 percent of the buildings are exclusively used for court functions.
 - Fifty five percent of all court space is located in buildings devoted exclusively to courts and court-related uses.
4. *A significant number of courthouses and courtrooms are not secure. Movement of in-custody defendants through public areas of courthouses presents a real risk to public safety.*
 - Over half of all buildings had ratings of either marginal or deficient for judicial/staff circulation, secure circulation, and building security.
 - Fifteen percent of all courtrooms have deficient in-custody defendant holding or access.
5. *Many courtrooms are undersized.*
 - Three-fifths are smaller than the minimum guideline area of 1,500 square feet.
 - One-third are less than 1,200 square feet in area.

The Task Force adopted criteria to ensure that spaces rated functionally adequate, even though undersized, would be rated adequate or marginal overall, regardless of spatial rating.

6. *Staff areas are crowded and many administration and support spaces are inadequately sized.*

- Significant area shortfalls were found in court administration, trial court support, in-custody holding/access, court security, family court services, and jury assembly.
- Crowding and unmet demand for space affect the ability of the courts to perform effectively and to serve the public.
- Crowding is a normal consequence of added judges and increased workload.

Crowding is mitigated in the planning options through expansion of existing space by means of buying out of space occupied by other agencies, or by new construction.

7. *The courthouses are not fully accessible, and many buildings do not fully meet ADA requirements.*

- More than half of the buildings require moderate renovation or replacement of ADA features.
- One-third of all buildings require major renovation or replacement of ADA features.

8. *Many courthouses may need substantial seismic improvements.*

- Based on age and structure type, 187 buildings were identified as potentially requiring seismic upgrade.
- Engineering assessments of potential seismic improvements have not been done in this study, and should be completed prior to any specific project decision.

9. *Infrastructure systems of many buildings are not up to modern life safety and comfort requirements.*

- Major improvements are needed in fire protection, HVAC, life safety, plumbing, electrical, and communications systems.
- The systems deficiencies adversely affect the safety and comfort of staff and public.

10. *California's courts are aging.*

- Over 70 percent of the court area statewide is housed in buildings that are more than 20 years old.
- Approximately 24 percent of the court area statewide is in buildings more than 40 years old.
- The age of buildings and their major systems are fundamental to the need for substantial renovation of the state's court facilities.

The needed improvements enumerated in the findings have been addressed in a series of planning options for each of the counties, explained in the following paragraphs. The cost of the improvements has been included in the estimated cost of the current need based on the options.

Planning Options Process

The Task Force adopted a planning process that would ensure the use of conservative and pragmatic approaches to meeting the facility needs of the state's court system, including significant reuse of court spaces. In considering potential planning options, the Task Force employed a long-range perspective, critically examining each facility for its viability and suitability as a long-term resource.

The evaluation findings and computed shortfalls provided the foundation for the development of planning options. The planning options explored reassigning deficient courtrooms to other uses for which they would be more suitable, such as changing criminal courtrooms with inadequate in-custody holding and access to civil court use. The Task Force carefully weighed the reuse potential of each building and employed significant reuse of existing facilities in the options, both with and without improvements. Shortfalls were adjusted to fit each specific situation, often with significant reduction to make use of space available within existing buildings.

Rather than develop a specific recommended plan for each county, the Task Force decided to develop a range of potential options. Planning options were developed for each county that generally included a minimum of two options: one reflecting the maximum reuse of existing facilities; and the other reflecting reduced reuse of existing facilities and increased new construction to replace phased-out facilities. Costs of the planning options were estimated using cost models developed by a professional estimating firm experienced in court facility construction, and adjusted for project costs, land acquisition, site development, and parking. (While furnishings, fixtures, and equipment are categorized as capital improvement costs, their costs are currently the responsibility of the state under California Rules of Court, rule 810.) Specific project costs are subject to refinement based on the development of detailed architectural programs and plans for specific projects.

Current Need in the Options

The number of courtrooms for the current need reflected in the maximum reuse and reduced reuse options varies from 2,153 to 2,158, respectively, depending on the options. The variation is the result of practical considerations concerning the logical phasing of court facility development actions in the planning options for some of the counties. For the purpose of the range of planning options, the current need for new and modified court facilities is comprised of the required renovation, expansion, and replacement of existing buildings and internal components to improve functional conditions, correct physical deficiencies, provide potential seismic improvements, and address current space shortfalls. The specific development actions in the planning options include a combination of reuse of existing facilities without improvements; addition of space within existing buildings through conversion of existing space occupied by others; renovation of existing court space; and construction of new space.

The planning options were summarized statewide in terms of the number of buildings, number of courtrooms, and usable area added through renovation or conversion of existing facilities, and those added through new construction. The maximum reuse options provide a total of 12.6 million square feet of usable area housed in 10.1 million square feet of existing and expanded buildings and 2.5 million square feet of new construction. The reduced reuse options provide a total of 14.1 million square feet of usable area housed in 8.0 million square feet of existing and expanded buildings and 6.1 million square feet of new construction. The maximum reuse options provide 101 new courtrooms within existing buildings, principally through buying out of existing space occupied by court-related or non-court agencies, while the reduced reuse options provide 60 new courtrooms within existing

buildings. The maximum reuse options provide 56 new buildings with 301 courtrooms, while the reduced reuse options provide 96 new buildings with 724 courtrooms.

The costs to provide for current need were expressed as a range of costs from low to high that relates to the range of options from maximum reuse to reduced reuse. All costs were expressed as constant 1999 dollars without adjustment for inflation. All costs were developed using a cost model based on the Facilities Guidelines and the application of unit cost factors for each component, together with applicable project costs such as fees, testing, inspection and permits; fixtures, and furnishings, equipment; and land acquisition, site development, and parking.

The estimated capital budget for current needs is \$2,808 million for the maximum reuse options and \$3,383 million for the reduced reuse options. The estimated costs for the current needs include the costs of functional improvements; buying out of space from court-related and non-court occupancies; physical improvements; potential seismic upgrades; and phasing out and replacing some existing facilities with new facilities conforming to facilities guidelines. The total cost of current need is distributed among the maximum reuse and reduced reuse options as indicated in the following pie charts.

Figure 1A
Cost Distribution of Current Need
Maximum Reuse Options

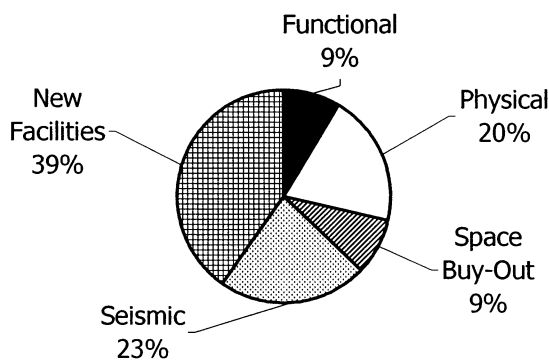
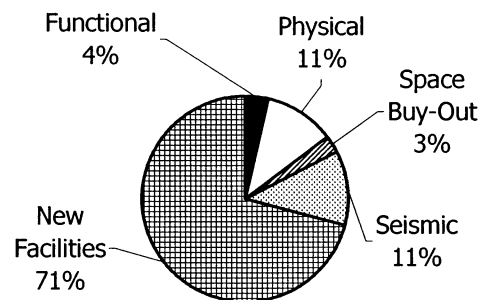


Figure 1B
Cost Distribution of Current Need
Reduced Reuse Options



In comparison with the maximum reuse options, the reduced reuse options provide more replacement of existing facilities, greater compliance with Facilities Guidelines, more new and larger facilities, and fewer facilities overall. As a result of more space in new buildings, the reduced reuse options are expected to provide greater operational efficiency. Because the maximum reuse options devote two-thirds of their cost to improvement of existing buildings and buying out of space for other agencies, the reduced reuse options reflect a greater return from each dollar of capital expenditure directly to the benefit of the courts.

Future Need in the Options

The amount of space required to meet future forecasted growth was developed using a model space program based on the full application of the Facilities Guidelines and the projected 20-year growth of judicial positions and court staff prepared during Phase 3 of the study. Because future facility requirements are independent of the reuse of existing facilities, the parameters and costs of facilities to meet the projected future growth are identical in the maximum reuse and reduced reuse options.

Future facilities need is comprised of 107 buildings with 696 courtrooms and 5,807,455 square feet of usable area. Future need was addressed in the options by constructing new facilities, the cost of which was estimated by applying the cost model for new construction to the model space program based on the Facilities Guidelines. The estimated cost for new facilities based on the program space model is \$2,075 million.

Phase 4 Report and County Reports

The full Report of Phase 4 provides more detailed findings summarized at the county level as well as statewide. The report also gives detailed information on both the survey process and the evaluation methodology. Moreover, 58 separate county reports provide additional information on key findings for each county. Individual building summaries are provided in the county reports for each building surveyed, including space utilization drawings. Finally, comments on the reports received from county administration and court officials are included, together with the responses to the letters. (Refer to the Availability of Documents section in the introduction to this report.)

1.3 Process and Methodology

The process used in Phase 4 provided the foundation for understanding existing conditions and current and future needs. The Facilities Guidelines developed in Phase 2 were used as a baseline for evaluating the size and function of existing court facilities. The physical condition of all facilities was also evaluated. Every facility and its principal components were rated as either adequate, marginal, or deficient through the evaluation process. The Facilities Guidelines were used to determine current space needs, which were then compared to the amount of space categorized as adequate or marginal to determine additional space required to support current operations (shortfalls). Finally, the Facilities Guidelines were used in conjunction with the forecasts developed in Phase 3 to quantify future court space needs.

Major tasks included the following:

- Inventorying all space currently assigned to the courts, by conducting detailed on-site inspections.
- Interviewing county administrative and court staff in each county.
- Assessing the adequacy of court buildings and space based on physical condition, function, and size.
- Identifying space shortfalls relative to current needs.
- Projecting additional space required to meet forecasted future growth.
- Identifying a range of options to meet current and projected needs, ranging from maximum reuse to reduced reuse/increased new construction.
- Estimating the level of capital investment required to meet current and future court facilities needs.
- Distributing the county reports for review and comment by county administration and the local court.

- Developing a statewide summary of the current inventory and condition of court facilities, current and future space needs, and estimated capital development costs.

Field Inventory and Evaluation Process

One of the significant challenges of this project was the recording, organization, and retrieval of the vast amount of information required to evaluate over 400 court facilities that comprise over 10 million square feet of usable area occupied by the courts in the 58 counties. A computer database management system was created to handle and process the information. While the database served as a repository of collected data, its data management tools were used to create a computer model that ensured consistency of data and facility evaluation, making an inherently subjective process more objective and consistent across the state. Key elements of the survey, inventory, and evaluation process are summarized below.

Field Survey Preparation – Prior to undertaking on-site field investigation work, the consultants designated a team leader for each county who reviewed the preliminary information submitted by the county, established contact with the appropriate parties, and compiled existing plans and studies.

Interviews – In order to benefit from the knowledge and perspective of key people in each county, interviews were conducted with both county and court administration staff regarding county-wide court facilities issues.

Field Survey Work – The planning team physically examined each building and its site in the court system to evaluate its physical and functional characteristics. Each building's core and shell were rated for overall physical condition and function, and internal components of each building were rated for physical condition, function, and space. Field survey forms were used for this purpose, and the collected information was subsequently entered into the database.

Post-Survey Work – The information described above was used to determine the state of existing court facilities. When the field survey was completed, the information was entered into the database and reviewed for consistency. Concurrently, color-coded building utilization plans were prepared to illustrate the distribution of components in the facility at the time of the survey. The database was designed to automatically produce all site and building evaluations for each building and to calculate the ratings. These included building (core and shell) physical and functional ratings; internal component physical condition, functional adequacy, and spatial ratings for spaces with a specific area guideline; and the shortfall or amount of additional space required for current operations per the recommended Facilities Guidelines. The individual building evaluations were aggregated to provide a report for each county, and these reports were summarized for inclusion in this statewide report.

Evaluation Methodology

Site Data

Site locations were inventoried and evaluated overall, and site information was recorded. All facilities were not surveyed to the same level of detail. Where the court was a minor occupant of a building or the building was a part-time or limited resource, the survey was confined to current space utilization information and the condition of the space occupied by the court. Site and general building data was not collected for these facilities. Facilities evaluated in this manner are identified as Level 1 surveys in the reports.

Building Data

The evaluation of each facility (other than Level 1 facilities) included two aspects:

- The evaluation of the building's core and shell.
- The evaluation of the building's internal court components.

Building Core and Shell – Each building's core and shell was evaluated for physical condition and for its functionality.

Building Physical Condition – Information collected on a building's physical condition included the year of its construction or major renovation, a general description of the type of construction, evaluation of major building core and shell elements such as the roof and exterior enclosure, assessment of compliance with Americans with Disabilities Act (ADA), and evaluation of major systems such as its vertical transportation and environmental control systems.

Each major building system was given a physical rating as outlined below:

0 = Not applicable; system not required

1 = Like-new condition; no renewal required

2 = Minor renovation/renewal; represents 25 percent of replacement cost

3 = Moderate renovation/renewal; represents 50 percent of replacement cost

4 = Substantial renovation/renewal; represents 75 percent of replacement cost

5 = Replace element, either because element is required but not provided, or is in sufficiently bad condition to warrant replacement; represents 100 percent of replacement cost

The overall physical condition of the building was determined using these ratings. The ratings were coupled with construction cost data to calculate the cost of renovation versus the cost of replacement. The physical condition rating reflects the level of investment required to correct deficiencies, as compared to the cost of equivalent new construction. However, the physical score is stated in terms of the value of the building, with value being defined as the equivalent replacement cost less the estimated cost to correct deficiencies. Any building or space that was scored 60 percent or higher was considered adequate, 40 to 60 percent marginal, and below 40 percent, deficient for current use. For example, a building physical rating of 75 percent indicates a current value of 75 percent of its replacement cost. Conversely, the investment necessary to renovate the building to like-new condition would be 25 percent of its estimated replacement cost.

As part of assessing existing physical conditions and the potential for reuse of existing court facilities over the long term, a cost model was developed based on building age to establish the potential cost of seismic improvements. Limited in scope, the analysis was for the sole purpose of providing a macro-level capital planning estimate of the potential cost of seismic improvement of existing buildings. The analysis did not include any structural investigations or engineering analyses, nor did it include any assessment of seismic risk. The potential cost of seismic improvements was developed based solely on the following two factors:

- The reported or observed type of construction used for the building's structural system.

— The year the building was completed.

Building Functional Condition – Each building was also surveyed to determine its suitability to house courtrooms and directly related court functions. Information collected on a building’s functionality for its current primary use included the following elements: overall functional zoning or organization; circulation (public, private, and secure); image as a courthouse; building security; public amenities; and quality of environment. The rating system used is outlined below.

Adequate	Functional condition is acceptable or better
Marginal	Functional condition has notable shortcomings
Deficient	Functional condition fails in one or more major aspects
Not Applicable	Functional element is not applicable

Each element was given a score of 10 points for adequate, 5 for marginal, or 0 for deficient. The functional rating was calculated by dividing the scored number of points by the total possible number of points for all applicable elements, and then converting the result to a percentage. Buildings scoring 80 percent or higher relative to the criteria were rated as adequate. Those scoring between 60 percent and 80 percent were rated marginal, and those scoring below 60 percent were considered functionally deficient for current use.

Internal Components – Components consist of individual spaces such as courtrooms, chambers, and jury rooms, or blocks of area for functions such as court administration. (A complete component category listing is included in Appendix A of the full Phase 4 report.) Each component identified in a court facility was surveyed and evaluated in terms of its physical condition and functional adequacy for its intended use. Those components for which a specific space guideline was included in the Facilities Guidelines were also evaluated for spatial adequacy in comparison with the space guideline. For components without a specific space guideline, only the amount of space was recorded. For all non-court functions—such as those for district attorney, probation department, or county offices—only the component area was recorded, and no evaluation of physical or functional conditions was made.

Component Physical Condition – Component physical condition analysis included a review of interior finishes, millwork, built-in furnishings, and major engineering support systems. Each system defined for the study was evaluated on a 0–5 scale, as outlined above for Building Physical Condition. Overall condition was established by comparing the indicated cost of renovating the component area to its replacement cost.

Component Functional Condition – The component functional analysis evaluated each component’s location in the building, adjacencies to other functions, image, quality of environment, acoustics, and security. Additionally, courtrooms were reviewed for sight lines, well size, seating capacity, and for the location of in-custody defendant holding and the path for in-custody access to the courtroom. Each of these survey elements was evaluated as adequate, marginal, deficient, or not applicable, using the same numerical scale and rating thresholds as for the Building Functional Condition. Components scoring 80 percent or higher relative to the criteria were rated as adequate. Those scoring between 60 percent and 80 percent were rated marginal, and those scoring below 60 percent were considered functionally deficient for current use. For courtrooms currently used for in-custody criminal matters, holding and access were rated independently. The overall courtroom functional rating did not exceed the independently

determined holding/access rating, regardless of the rating determined from the other functional criteria for courtrooms. When in-custody holding was remote from the courtroom or in-custody defendant access was through a public circulation area, a courtroom currently used for in-custody criminal matters was considered deficient for current use, regardless of the rating for other functional evaluation criteria. Similarly, if access was through private circulation areas, such a courtroom was rated no higher than marginal for its current use.

Component Spatial Adequacy – For individual spaces for which a space guideline was included in the Facilities Guidelines, the area was recorded and compared to the guideline. The survey team developed scale CAD drawings for each floor of each court building, computed the areas of the rooms and components, and entered the computed areas in the database. The database compared actual areas to the space guideline from the Facilities Guidelines. Any space with 80 percent or more of the guideline was considered adequate; those between 70 percent and 80 percent were marginal; and those with less than 70 percent were deficient, unless rated functionally adequate or marginal in which case the functional rating prevailed. For spaces with no specific size requirements, such as administrative support areas, information was collected to document the current space allocations by component. Current space allocations were compared to area allocations generated by the computer model of the recommended Facilities Guidelines. The results were used to determine the adequacy of current space and to estimate the additional space required to support current operations.

Summary of Evaluation Thresholds – The rating thresholds used for building and component evaluations are summarized in the following chart:

Evaluation Threshold

	Adequate	Marginal	Deficient
Physical	60% or higher	between 40 & 60%	below 40%
Function	80% or higher	between 60 & 80%	below 60%
Spatial	80% or higher	between 70 & 80%	below 70%

1.4 Comments on Approach to Evaluation and Planning

The field evaluations of court buildings' core and shell and internal components, described in the previous section, guided the facility evaluation and planning process. The Task Force designed the evaluation procedures to ensure that existing facilities were evaluated fairly and consistently throughout the state. The principal focus of the evaluation was to determine how well a facility functioned for its current use and its suitability for long-term use. Important aspects of the Task Force's approach to facility evaluation and the planning process were:

- Since functional facilities should be retained for continued use, the functional rating prevails over the spatial rating for components that have a fixed space guideline in the Facilities Guidelines.
- To ensure that the security of the public and court participants was given a high priority, the functional rating of components related to in-custody defendant holding and access was established as an overriding factor governing the maximum rating of buildings and courtrooms handling criminal proceedings.
- To make maximum use of current facilities, an optimum use review was conducted to determine whether a component not suitable for its current use would be suitable for an alternate use.
- The need for additional space for current and future court operations (shortfalls) was determined by comparing the space needs to existing available space.
- To provide a realistic and practical approach to planning future actions to meet the needs of court facilities, the planning effort included developing a series of planning options for each county, with estimated capital costs. The evaluation ratings – together with the computer-generated required space and shortfalls – guided the planning, but not without review and adjustment by the Task Force.
- Potential seismic improvement costs were included in the planning options based on building age and structural type.
- To ensure accuracy and to solicit input on the planning options, each county evaluation report was circulated to county and court personnel for comment.

The application of this approach is discussed further in the paragraphs that follow.

Functional Evaluation Overrides Spatial Considerations. With respect to the rating of internal components, the Task Force was careful to ensure that an adequately functioning space was not categorized as deficient simply because it did not meet size criteria contained in the Facilities Guidelines. The spatial guidelines, which were developed for new court construction, were used as a baseline for evaluating existing courts by applying an 80 percent rule. Any existing space that was 80 percent of a guideline size or greater was considered adequate. Those between 70 percent and 80 percent of a guideline size were rated marginal, subject to review of how well the space actually functioned for its current use. Components with less than 70 percent of a space guideline were rated deficient, unless they were rated functionally adequate or marginal. The table below illustrates the concept and summarizes the overall ratings of a component resulting from the possible combinations of functional and spatial evaluations:

Functionally adequate and spatially adequate	Adequate
Functionally adequate but spatially marginal	Adequate
Functionally adequate but spatially deficient	Marginal
Functionally marginal, regardless of spatial rating	Marginal
Functionally deficient, regardless of spatial rating	Deficient

Security Overrides Other Functional Considerations. In evaluating the function of courtrooms used for criminal proceedings, the Task Force established a policy that the functional rating of the secure holding spaces and access of in-custody defendants would govern the maximum functional rating for the courtroom, regardless of its rating based on the other functional evaluation criteria. Any criminal courtroom that required moving an in-custody defendant through public areas of the courthouse would be rated deficient for its current use. If the path included movement through the restricted private circulation system normally used for judges and court staff, the courtroom would be rated no higher than marginal. However, in developing the planning options, the Task Force made every effort to recommend reassigning such courtrooms for civil proceedings in the options.

Optimum Use Analysis. A method was developed to allow consideration of improving the use of existing space by modeling marginal and deficient courtrooms against the Facilities Guidelines to determine their optimum use. For example, a courtroom that is deficient as a jury courtroom could potentially be recycled as a non-jury courtroom, and one that is deficient as a criminal courtroom could be recycled as a civil courtroom. The purpose of the optimum use analysis was to use all existing space optimally and to minimize the need for capital investment. Nonetheless, the Task Force recognized that, while changing the use of an existing space to one that is more compatible with its physical and functional attributes may reduce the need for investment in new court facilities, the changed use may not meet the programmatic or operational needs of the court.

Computation of Current and Future Space Requirements and Shortfalls. After evaluating existing conditions, the need for additional space to support current operations was determined by comparing space required to current space available. Based on the Facilities Guidelines and current judicial positions and staffing, a model space program was developed for each facility to establish the space required. The amount of required space was first compared to the amount of adequate space available and then to adequate plus marginal space available, and the differences computed as the shortfalls. When space was functionally adequate or marginal, the following rules were applied in computing space shortfalls:

- Rooms with a specified minimum area guideline: If the area of the room was 80 percent or more of the space guideline for the room, no shortfall was calculated.
- Support spaces determined by ratios: If the number of spaces available equaled 80 percent or more of the number required, no shortfalls were calculated.
- All other spaces modeled on an area-per-unit basis (e.g., square feet per employee): If the available area equaled 80 percent or more of the required amount of space, no shortfalls were calculated.

The amount of space required to meet future forecasted growth was developed using a model space program based on the full application of the Facilities Guidelines, because future growth will be accommodated through new construction. The potential costs to upgrade existing building systems, as well as the costs to fully meet existing space shortfalls and provide space for future growth, were also developed using the computer model. The computer-generated shortfall and cost information were not used directly, but were used solely as a starting point for developing the planning options, and were adjusted as appropriate, given the circumstances in each case.

Approach to Planning Options. The purpose of the planning process was to develop and refine potential capital development costs based on a range of specific and practical development options. In that process the Task Force considered the building and component evaluations and explored

options for the reuse, expansion, or replacement of court facilities in each county. An overall strategic concept was developed for each county, and each existing facility was evaluated as to how it could best be utilized to support the concept at the lowest capital cost. Generally, two or more options were developed to satisfy the overall concept—one reflecting maximum reuse of existing facilities, and another addressing reduced reuse, usually incorporating greater facility consolidation and more replacement of existing facilities. Broad-based planning issues such as consolidation, operational efficiencies, geographic growth patterns, and service delivery changes were considered in developing the options. In all options, the Task Force attempted to mitigate shortfalls, provide needed building improvements, achieve operational improvements, and maintain community access to the courts. In most cases, the maximum reuse options featured a significant acceptance of existing conditions and provided a lower level of conformance with the Facilities Guidelines. In contrast, the reduced reuse options provided greater conformance with the Facilities Guidelines, together with more mitigation of existing conditions.

The estimated renovation cost was computed for each existing building within each option and included physical and functional improvements, meeting critical shortfalls, and buying out space occupied by non-court functions related to the reuse of existing buildings. Estimated costs were also developed for new and expanded space to replace existing buildings that would be phased out in the option, and for new facilities to accommodate projected growth, based on the model space program developed from the Facilities Guidelines. Building construction costs were computed and project costs over and above the construction cost were estimated by applying allowances to account for professional fees; testing; permits; fixtures, furnishings, and equipment; site development; parking; and land acquisition.

Approach to Assessment of Potential Seismic Improvement Costs. As part of the assessment of capital requirements for current needs, seismic improvement costs were estimated and included in countywide and statewide capital planning. While code enforcement agencies and existing law do not mandate seismic improvements to existing buildings, the Task Force believed it prudent to consider the potential seismic improvement costs when evaluating existing facilities to determine their potential for retention and reuse. The allocation of a portion of the capital budget to address seismic improvements is consistent with ongoing programs within other California agencies that are addressing seismic improvements to public buildings in the interest of public safety.

The seismic assessment model assigned probable seismic improvement costs to bring each building up to current FEMA seismic resistance levels, based exclusively on the building's structural type and its date of construction. No engineering assessments of seismic risk or potential improvement costs were made, and no inferences regarding seismic safety risk should be drawn from the assessment. The purpose of the assessment was solely to allocate a capital budget for seismic improvements in options where the building is designated for long-term court use; the capital resources would then be identified for use should it be determined by detailed analysis that seismic improvement is warranted. (The complete listing is included in the Phase 4 report.)

Review by County and Local Court. Finally, the inventory reports, evaluations of the existing court facilities, and the planning options for each county were distributed to court and county representatives for review and comment. The purposes of this review included the following:

- To provide each court and county with the inventory findings for verification of facility information that was included in the database.

- To present each court and county with the results of the evaluation of existing court facilities and seek their review and comments.
- To seek each court's and county's perspective with regard to the suggested planning options.

2 *Inventory Findings*

This section provides a descriptive summary of current physical resources used by the trial court system throughout the state of California. The assets described are those existing at the time of the survey, which took place between July 1999 and June 2000. The information summarized relates primarily to trial court functions, as defined in the Facilities Guidelines. For the purpose of this study, court facilities were defined as those housing court functions that are the responsibility of the trial courts, as provided by the Act. Court space includes only those spaces that are the responsibility of the court, together with any non-court-funded operations that are necessary for the operation of the court, such as in-custody defendant holding spaces and related security staff spaces. Building support functions were captured separately since they may support multiple users in a mixed-use building. Court space excludes areas assigned to court-related agencies (such as the district attorney, public defender, probation department, and family support services), and to non-court agencies (such as land records agencies and boards of supervisors). Information on space utilization for these functions was inventoried as part of the analysis, primarily to provide a complete perspective of current building utilization, and to facilitate examination of alternatives for meeting current and future space needs by displacing non-court users.

The inventory findings are summarized in the paragraphs that follow. For convenience, the paragraph numbers, and the numbering of the figures and tables, match the numbering of the statewide summary tables in the Phase 4 report.

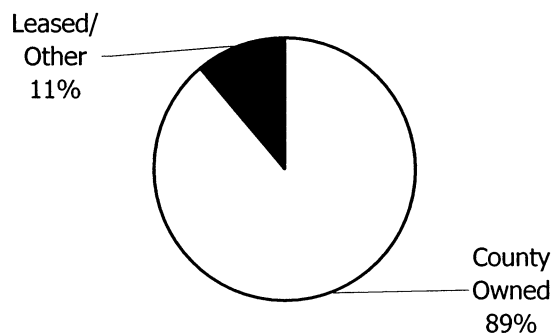
2.1 Facility Inventory

The inventory of court facilities throughout California includes a total of 451 facilities, 2,136 courtrooms, and 10,138,323 square feet of assigned usable area for court functions. Of the total usable area of court space, 32 percent of the space is in Los Angeles County. The most populous nine counties account for 72 percent of the space, and the largest 21 counties comprise 90 percent of the total. Since unification has only come about within the past few years, the current inventory for most counties reflects the organization of the trial courts prior to unification, with numerous and dispersed court locations. As a result, such courts had not yet been able to fully realize the potential benefits of trial court unification, which could include the reduction of in-custody defendant transportation throughout the system, and the potential savings available through consolidation of space for court-related agencies.

2.2 Facility Ownership

Based on information provided by the counties at the facility-level interviews, counties own three-fourths of all court buildings statewide, constituting 89 percent of court facilities space. Recently counties have used innovative financing and project delivery methods, including lease-purchase and design-build. For this inventory, facilities with lease-purchase financing are considered the same as owned facilities. Leased space—which predominantly consists of smaller, temporary, modular buildings; records storage facilities; and administrative space—accounts for 11 percent of the total space.

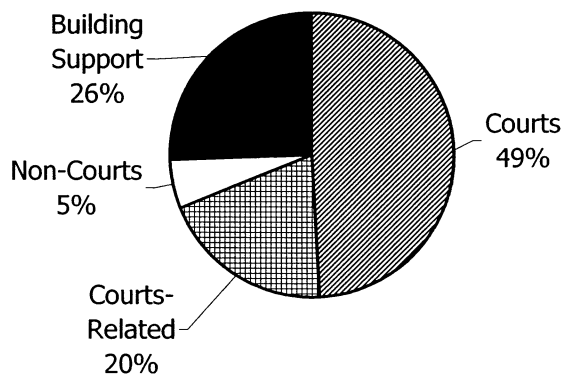
Figure 2.2 - Facility Ownership



2.3 Facility Occupancy

Statewide, the courts occupancy comprises nearly half (49 percent) of the total usable area of the buildings occupied by courts. The court-related occupancy comprises 20 percent of the total usable area of buildings occupied by courts, while the non-courts occupancy comprises 5 percent. The building support occupancy comprises 26 percent of total usable area of buildings occupied by the courts. This finding suggests significant mixed use in court facilities, as further described below.

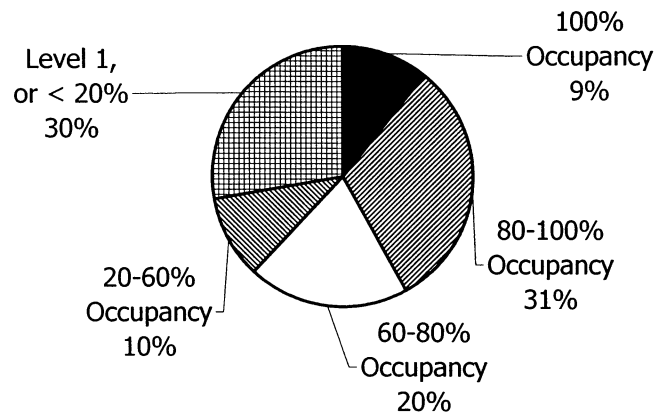
**Figure 2.3 - Facility Occupancy
(Percent of Usable Area)**



2.3a Facility Occupancy (Courts)

Most court buildings statewide (88 percent) are mixed-use, in which the court shares space with court-related agencies such as district attorney, public defender, and probation. Only 12 percent of the buildings, representing 9 percent of the space, are exclusively used for court functions. Nearly three-fifths (60 percent) of the court space is located in buildings with 60 percent or more of their space devoted to court occupancies.

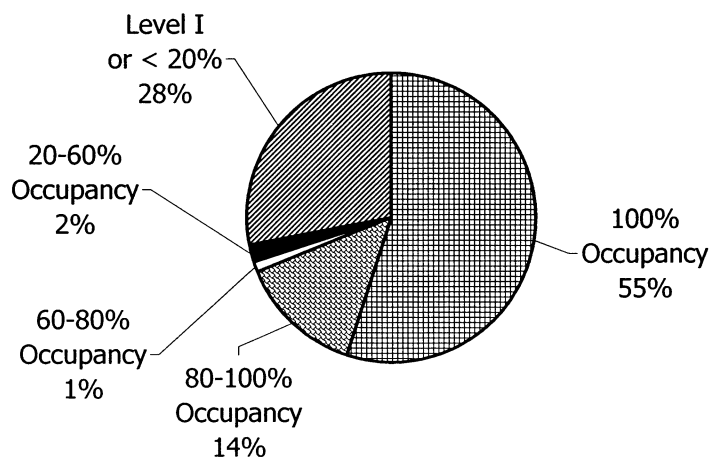
**Figure 2.3a - Facility Occupancy (Courts)
(Percent of Usable Area)**



2.3b Facility Occupancy (Courts and Court-Related)

When court-related spaces, such as district attorney, public defender, probation, and family support services are aggregated with the court occupancy, the mixed occupancy picture is somewhat different. A significant amount of court space is located in buildings that house court and court-related spaces exclusively, or nearly exclusively. Almost half (47 percent) of all court buildings, comprising 55 percent of the usable area of courts, are devoted exclusively to court and court-related uses.

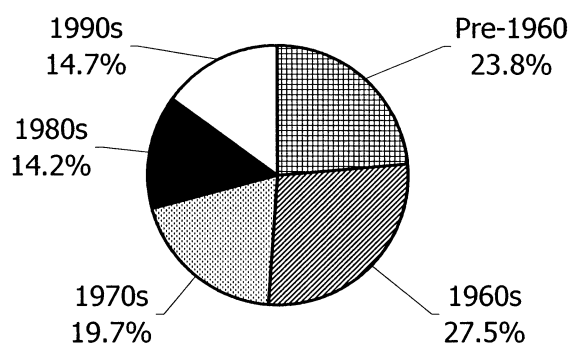
**Figure 2.3b - Facility Occupancy
(Courts and Courts-Related)
(Percent of Usable Area)**



2.4 Facility Age

Of the facilities surveyed (excluding Level 1 facilities), 71 percent of the state's courts space is more than 20 years old, and nearly 24 percent is over 40 years old. The past 20 years have seen the construction of a total of 77 buildings comprising 503 courtrooms and over 2.7 million square feet of usable area.

**Figure 2.4 - Facility Age
(Percent of Usable Area of Buildings Evaluated)**



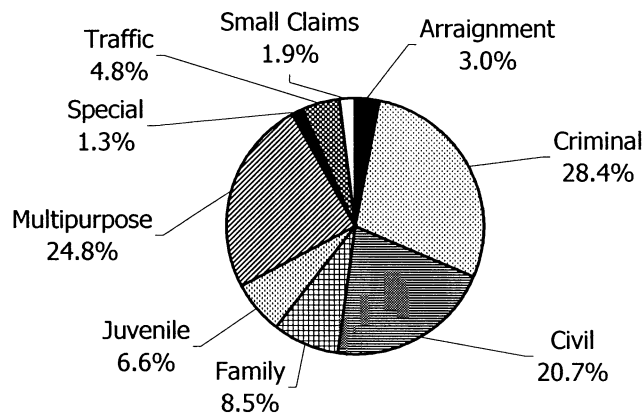
2.5 Facilities of Historic Significance

Forty-three buildings, or less than 10 percent of court buildings statewide, were found to be historically significant. A historic building is one that is listed on the national or state historical building register, or is eligible for listing.

2.6 Courtroom Utilization by Type

Courtrooms were categorized according to the usage reported to the survey team during the facility surveys. Several courtroom categories handle criminal proceedings, including arraignment, criminal, juvenile delinquency, multipurpose, and special. The summary of courtroom types by usage reflects the trend that more court resources have been directed toward criminal use. Nearly two-thirds of the courtrooms statewide are used for criminal proceedings (arraignment, criminal, juvenile, and multipurpose), while approximately three-tenths of courtrooms are devoted to civil and family proceedings. The designation of courtrooms as multipurpose is more important in smaller jurisdictions, where flexibility in case assignment is necessary. In the larger jurisdictions, specialization of courtroom types and case assignment is feasible and often allows more efficient use of the facility resources.

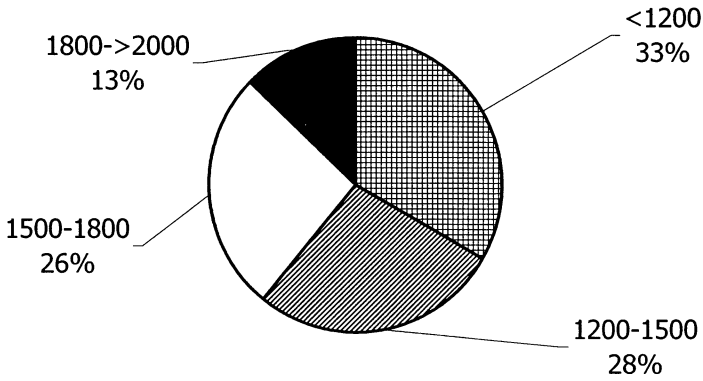
Figure 2.6 - Courtroom Utilization by Type



2.7 Courtroom Distribution by Size

Courtroom size was compared to the Facilities Guidelines, based on current use, and the average area of courtrooms computed. The number and percentage distribution of courtrooms in each of several size ranges was computed statewide. The average area of all courtrooms is 1,399 square feet, compared with the guideline of 1,500 to 1,800 square feet for a multipurpose courtroom. Approximately three-fifths of all courtrooms have areas of less than the minimum guideline of 1,500 square feet, and one-third are below 1,200 square feet in area.

**Figure 2.7 - Courtroom Size Distribution
(Percent of Courtrooms in
Each Size Range)**



2.8 Courtroom Capability

Approximately three-fourths (76 percent) of all courtrooms statewide are jury capable, and 59 percent are either fully or partially in-custody capable. Fully in-custody capable courtrooms have dedicated defendant holding and secure access, while partially in-custody capable courtrooms have proximate holding and access via private restricted staff corridors. Neither type requires movement of in-custody defendants through public areas of the court facility.

Figure 2.8a - Jury Capability

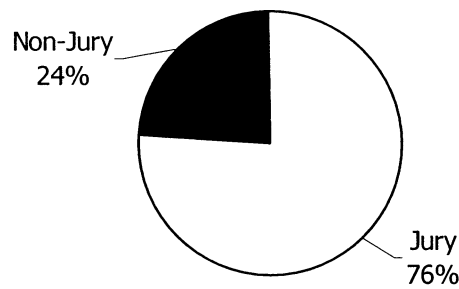
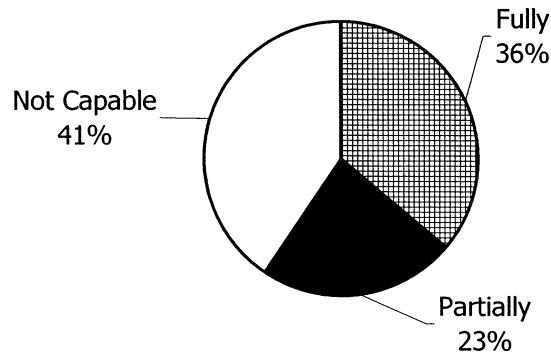


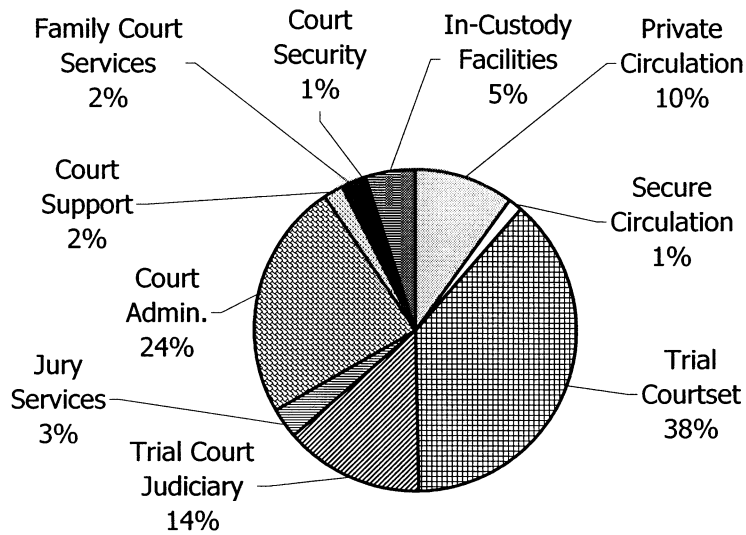
Figure 2.8b - In-Custody Capability



2.9 Current Area Allocation by Component

The distribution of court space to the ten component categories was summarized statewide. The largest space components are trial courtset (the courtroom and directly associated spaces), court administration, and trial court judiciary. Together, they account for over three-fourths of the court area statewide. The trial courtset component is the largest, with 38 percent of the space, followed by court administration at 24 percent and trial court judiciary at 14 percent.

Figure 2.9 - Current Area Allocation by Component



3 Evaluation Findings

This section summarizes the findings of the evaluation of the facilities used by the trial court system, pursuant to the inventory and evaluation processes described earlier in this section. For convenience, the paragraph numbers, and the numbering of the figures and tables, correspond to the numbering of the statewide summary tables in the Phase 4 report.

3.1 Building Physical Condition

This category summarizes the total number of evaluated buildings and courtrooms and their usable area rated adequate, marginal, or deficient. This evaluation is based on physical condition, without consideration of the need for seismic improvements. In order to reuse as much of the existing physical plant as practicable, the physical condition ratings used a lower threshold than that used for spatial and functional ratings. This is because physical deficiencies in buildings that are otherwise adequate can be repaired, although at a cost. Any building or component with a physical rating score of 60 percent or higher was considered adequate, between 40 and 60 percent marginal, and below 40 percent deficient. A building rated as adequate may require significant improvements, which, by definition, may cost as much as 40 percent of its replacement cost.

**Figure 3.1A - Building Physical Condition
(% of Buildings Evaluated)**

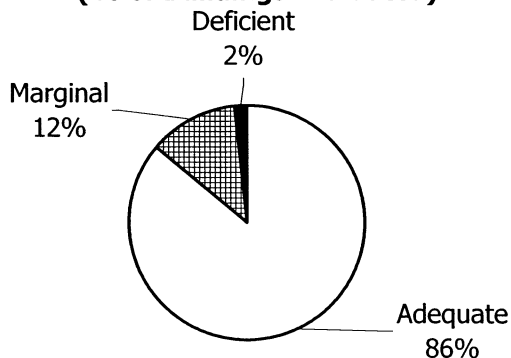
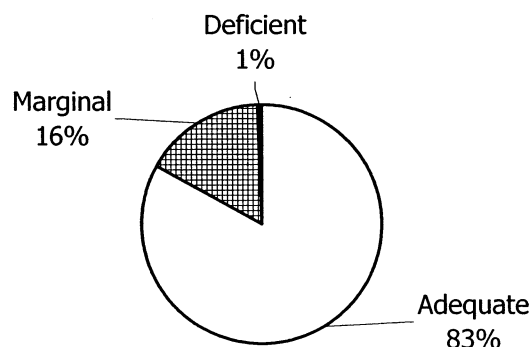


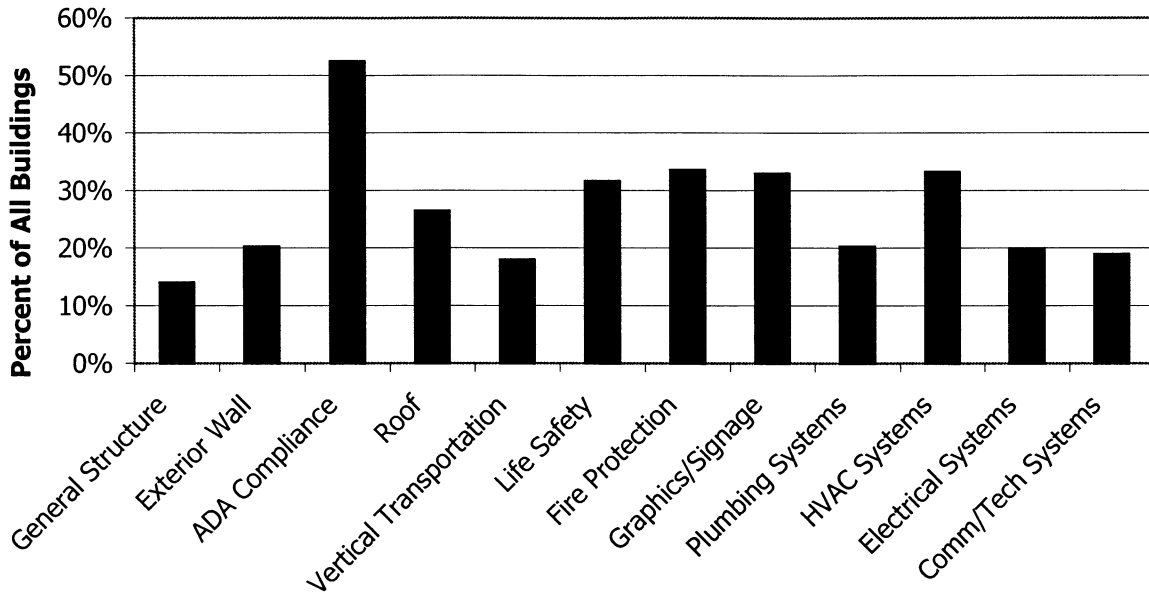
Figure 3.1B - Building Physical Condition (% of Usable Area of Buildings Evaluated)



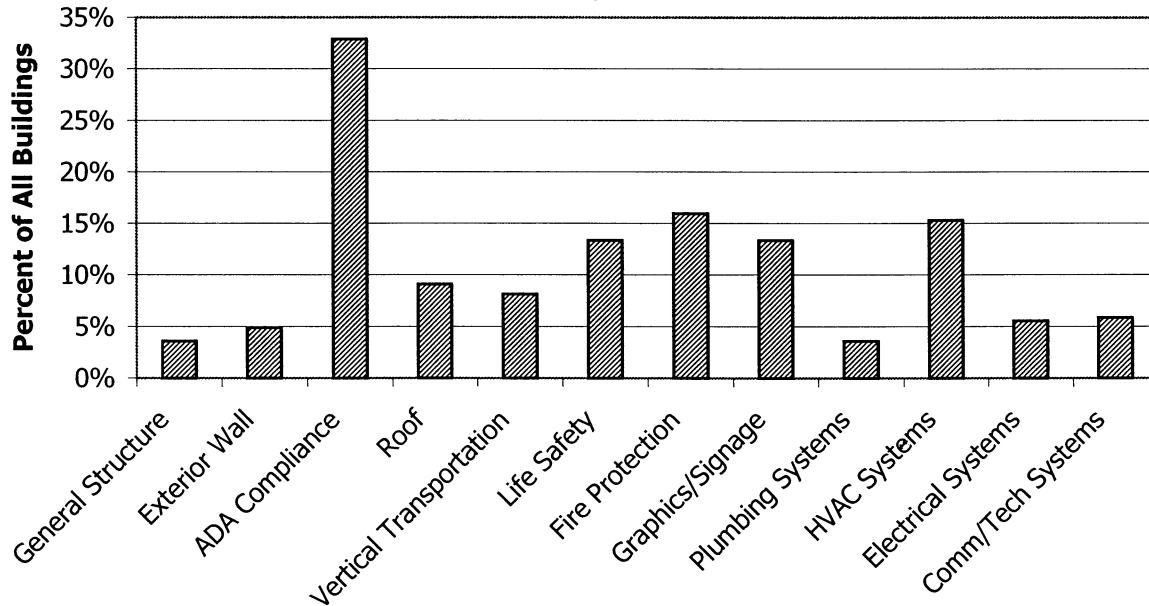
3.2 Building Physical Condition – Key Issues

Several issues were identified as being key deficiencies in building physical condition. These identified issues – ADA compliance, fire protection systems, HVAC systems, and life safety systems – relate to the rights, safety, and comfort of the court facility users. The following charts indicate the systems with physical condition ratings of 4+5 and 3+4+5, respectively. (The ratings are defined in Section 1 of this chapter.)

**Figure 3.2A - Percent of Buildings
with Ratings of 3+4+5**



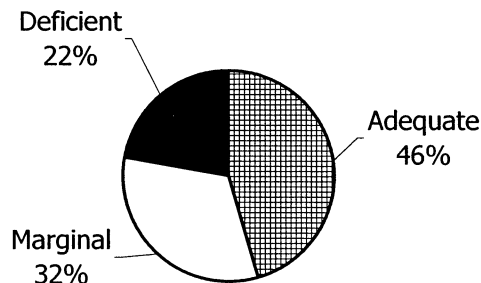
**Figure 3.2B - Percent of Buildings
with Ratings of 4+5**



3.3 Building Functional Evaluation

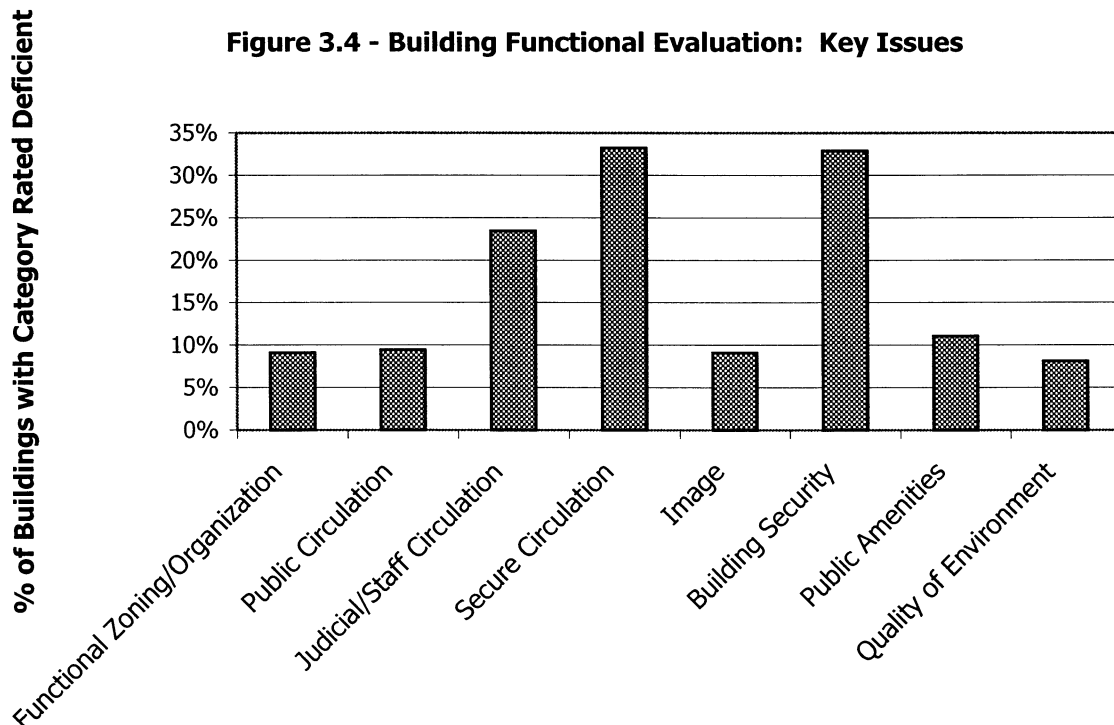
For buildings that were evaluated, nearly half (46 percent) of the court usable area is located in buildings that were rated functionally adequate, over three-fourths of the space (78 percent) is located in buildings rated either functionally adequate or marginal, and less than one-fourth (22 percent) of the space was found to be in buildings rated functionally deficient.

Figure 3.3
Building Functional Evaluation
(Percent of Usable Area)



3.4 Building Functional Evaluation – Key Issues

The top three functional evaluation factors that were rated deficient in the greatest percentage of buildings were secure circulation, building security, and judicial/staff circulation. Each relates to overall building security, and particularly to the safety of the public and staff. These conditions may be mitigated by changing the use of courtrooms, changing circulation patterns, and enhancing entry security.



3.5 Composite Building Physical and Functional Condition

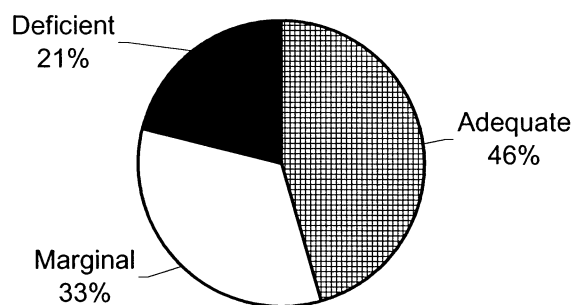
There were 91 buildings rated both physically and functionally adequate, comprising 39 percent of courtrooms and 45 percent of usable area of courts evaluated statewide. A majority of buildings rated

physically adequate (56 percent) were rated functionally marginal or deficient. Approximately 1 percent of buildings were rated functionally adequate and physically marginal or deficient.

3.6 Courtroom Evaluation – Current Use

Of the 2,136 courtrooms evaluated, a total of 977 courtrooms (46 percent) were rated adequate for their current use, and a total of 1,685 (79 percent) were rated adequate or marginal for their current use. Of the 451 courtrooms rated deficient for their current use, 241 of them—more than half—had deficient holding facilities, and 281 lacked secure access for in-custody defendants.

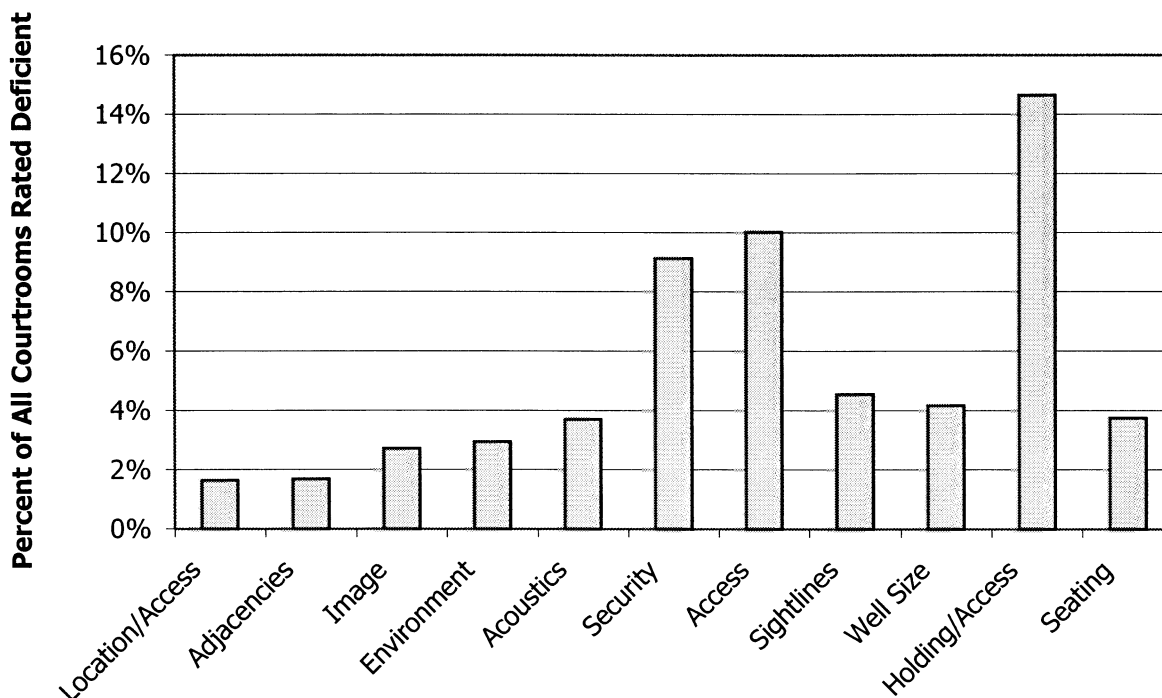
Figure 3.6 - Courtroom Evaluation–Current Use



3.7 Courtroom Functional Evaluation Issues

The top three functional issues for courtrooms rated deficient were defendant holding/access (15 percent), access (10 percent), and security (9 percent). These key functional issues can often be mitigated or resolved by reassigning courtrooms to non-criminal matters.

Figure 3.7 - Courtroom Functional Evaluation Issues



3.8 Courtroom Evaluation – Optimum Use

If their assigned use is changed, the total number of adequate plus marginal courtrooms could be significantly increased from 1,685 (79 percent) to 1,967 (92 percent) under the optimum-use scenario. This strategy is often achievable in larger jurisdictions, where specialization of civil and criminal courtrooms is practical, but may not be feasible in smaller jurisdictions, where courtrooms must serve as multipurpose courtrooms.

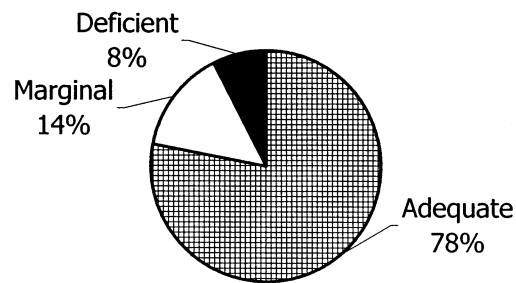
3.9 Courtroom Optimum Use by Type

This analysis provides a statewide perspective of the number of courtrooms rated adequate or marginal for their current use, and the number under the optimum-use scenarios, arrayed by type of courtroom. This information can be used at the county and building level to provide guidance to the planner as to how to mitigate the current deficiencies identified in the planning options. The total number of adequate and marginal courtrooms statewide may be increased from 1,685 to 1,967 (an increase of 17 percent) by changing to a use for which the courtroom is better suited. Typical of the change of use is changing a criminal or multipurpose courtroom with marginal or deficient holding and access facilities to a civil courtroom, where defendant holding and secure access are not required. The strategy increases the total number of adequate or marginal courtrooms, but may produce a shortfall against the required number of courtrooms for criminal matters. The reassignment strategy can be most successful when employed in conjunction with planned replacement and expansion facilities, where the new facilities can be provided with holding and access features to satisfy the need for in-custody capable courtrooms.

3.10 Component Area Evaluation – Total Area Statewide

More than three-fourths (78 percent) of court component area statewide was rated as adequate, based primarily on function.

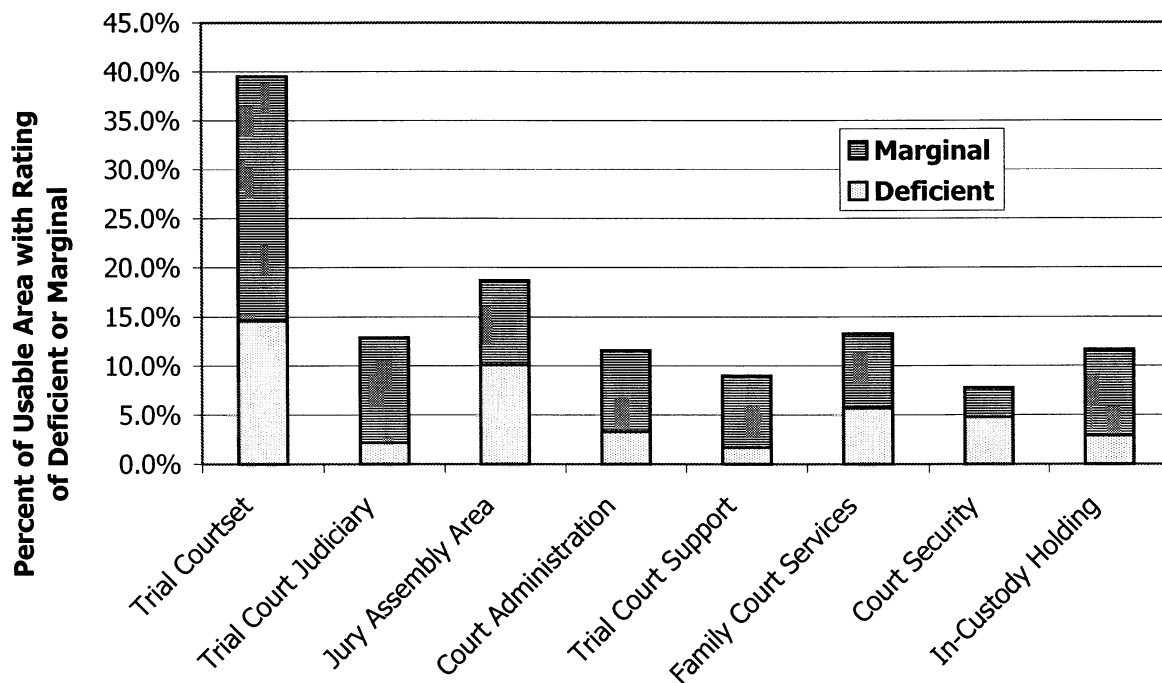
Figure 3.10 - Component Area Evaluation - Total Area Statewide



3.11 Component Area Evaluation by Category

The trial courtset component had the highest percentage of spaces rated marginal and deficient, comprising nearly 40 percent statewide. The trial courtset evaluation generally mirrors the courtroom evaluation. This reflects the evaluation of criminal courtrooms for their currently assigned use, which may be mitigated in the planning options by reassignment of use. Other components with significant ratings of marginal or deficient include: jury assembly; family court services/ADR; trial court judiciary; in-custody holding; and court administration. The component area evaluation by category focuses on functional issues. It should be noted that the evaluation does not measure overcrowding. In the planning process, the best indication of overcrowding is the analysis of shortfalls, especially in administrative and support spaces.

Figure 3.11 - Component Area Evaluation by Category
 (% of Component Usable Area Rated Marginal or Deficient)



3.12 Component Area Shortfall by County

The current court space required for each county was computed according to a computer model based on the Facilities Guidelines completed during Phase 2 of the study. The computation of required space served as a basis for comparison of court space needs across the state, and provided a point of departure for the preparation of planning options for each county. The computation of total space required was based on the current number of judicial positions and staff as reported in Phase 3 of the study. The model program computed the current need or required space for each facility by applying space standards and ratios of the Facilities Guidelines to the current judicial positions and court staffing, based on the current use of the existing courtrooms.

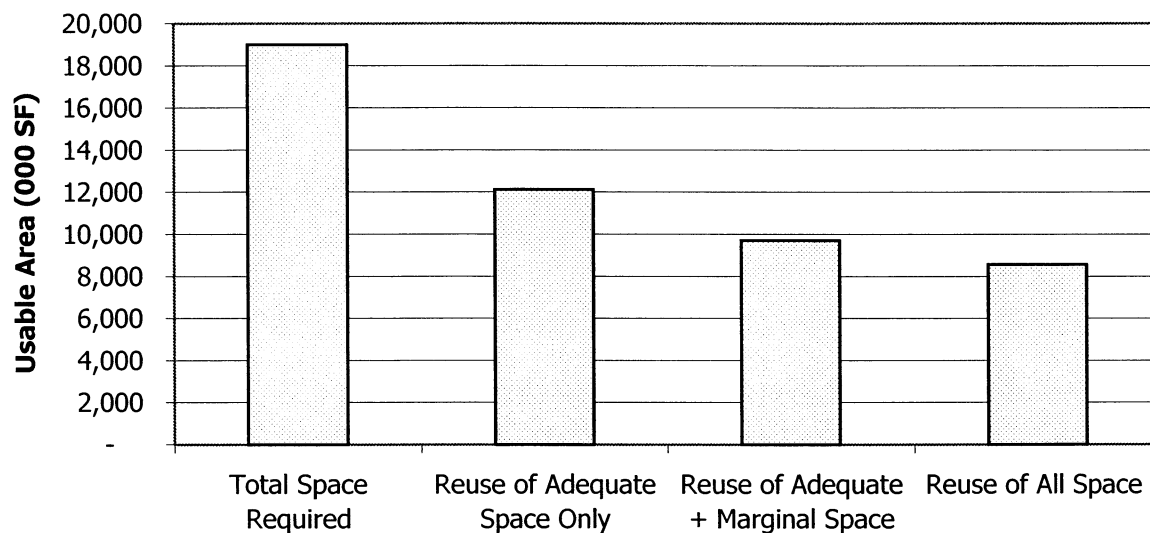
Space shortfalls were computed by subtracting the current space available for continued use from the computed required space. Three levels of available space and resultant shortfalls were computed as follows: 1) using adequate space only; 2) using adequate and marginal space; and 3) using all existing space regardless of the evaluation. In each case, the shortfall was reported as an area and as a percentage of the total required area.

Although the court space shortfalls were computed based the Facilities Guidelines and the current judicial positions and staff, the shortfall computation did not strictly apply the Facilities Guidelines. Where components with a fixed space requirement were rated functionally adequate, no shortfall was computed, regardless of the component's size and spatial rating against the Facilities Guidelines, because to increase the size of the room would be both impractical and unwarranted. For general areas such as court administration that are modeled on an area-per-unit basis, the computed shortfalls for those areas with less than 80% of the required space per the guideline were addressed, even if

rated functionally adequate. During the process of developing the planning options for each county, the shortfalls were reevaluated and adjusted downward, based on practical considerations.

Significant shortfalls against the Facilities Guidelines were reported for all counties. The computed shortfalls for most counties range between 40 and 65 percent of the required space if all existing space were to be reused. This significant level of shortfalls reflects the fact that the statewide average usable court area per courtroom is 4,746 square feet, rather than the 8,500 to 10,000 square feet per courtroom generated by the model space program based on the Facilities Guidelines. This comparison suggests that, if the existing 10 million square feet of usable area of courts statewide were totally replaced in strict conformance with the Facilities Guidelines, approximately 19 million square feet of usable area would be required to meet the current need for the 2,136 existing courtrooms.

Figure 3.12 - Component Area Shortfalls



The existence of shortfalls is a normal consequence of the life cycle of a courthouse. As judges are appointed and added to the system, the usual - and often only available - facility response is to provide only courtrooms and chambers for the added judges. As the system workload increases, the administration and support staff also grow over time, usually without significant addition of space. The result is that additional support space required for a functioning courthouse is not provided until the need becomes critical.

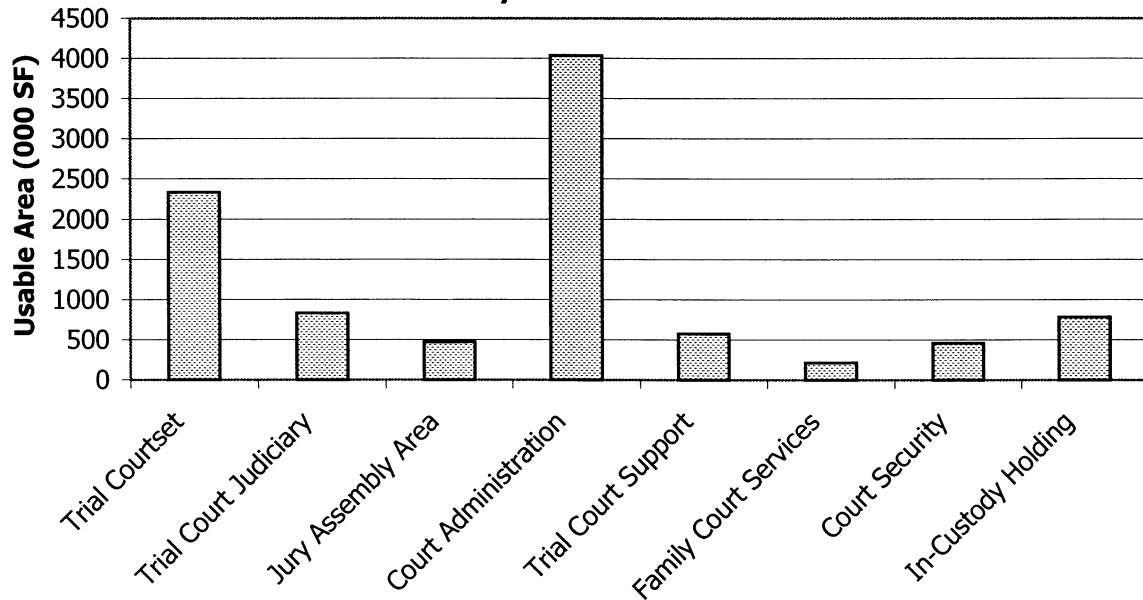
3.13 Component Area Shortfalls by Category

Shortfalls were analyzed statewide by component. As with the preceding analysis, three levels of shortfalls were computed as follows: 1) using adequate space only, 2) using adequate and marginal space, and 3) using all existing space regardless of the evaluation.

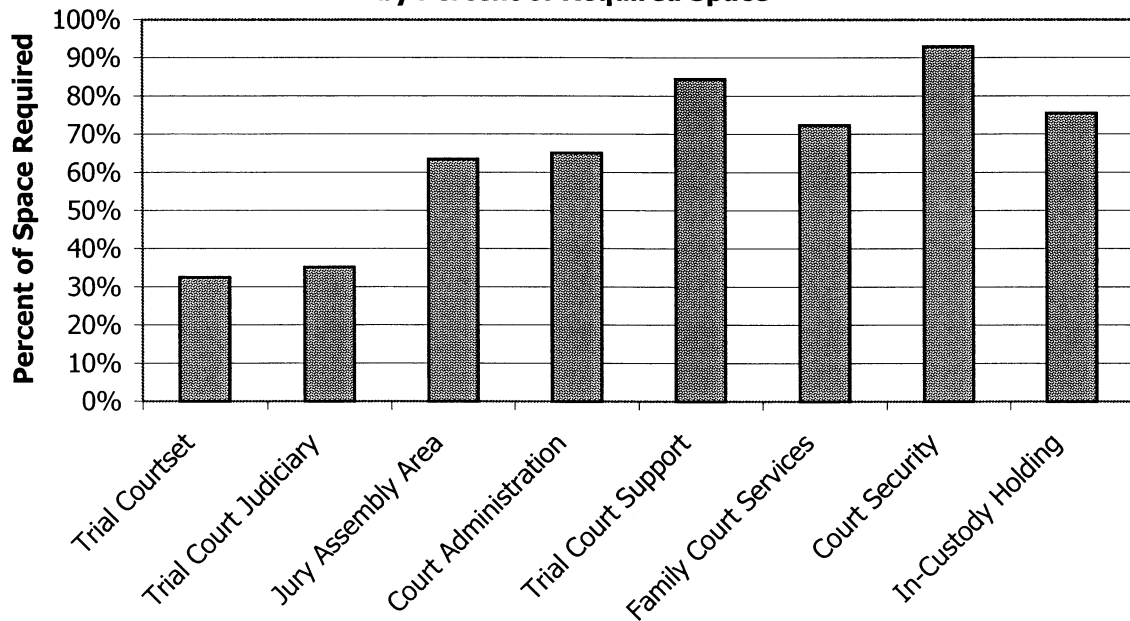
As illustrated on Figure 3.13a, the components with the greatest shortfalls statewide are court administration, trial courtset, trial court judiciary, and in-custody holding. As illustrated in Figure 3.13b, the greatest shortfalls, as measured by percent of space required, are in court security, trial court

support, in-custody holding, family court services/ADR, and court administration. In terms of safety and convenience, these components have a significant impact on the public.

**Figure 3.13a - Component Area Shortfalls
(Adequate + Marginal)
by Usable Area**



**Figure 3.13b - Component Area Shortfalls
(Adequate + Marginal)
by Percent of Required Space**



3.14 Summary of Potential Seismic Improvement Costs

The seismic assessment model assigns potential seismic improvement costs to bring each building up to current FEMA seismic resistance levels, based exclusively on the building's structural type and its date of construction. No engineering assessments of seismic risk or potential improvement costs were made, and no inferences regarding seismic safety risk should be drawn from the assessment. The purpose of the assessment was solely to allocate a capital budget for seismic improvements in the planning options where the building is designated for long-term court use; the capital resources would then be identified should it be determined by detailed analysis that seismic improvement is warranted.

The potential cost of seismic improvements was based on a model that assigned a cost per gross square footage of building area according to a matrix based on the age of the building and range of building structural types. The potential seismic cost is computed on the basis of gross area of buildings, including mixed-use buildings. No seismic costs have been generated for Level 1 buildings, and for buildings not evaluated due to insufficient data.

Results of the analysis indicate a total of 187 buildings comprising 15.5 million square feet of gross building area as potentially requiring seismic improvements. The potential building construction cost of seismic improvements is approximately \$575 million. These costs are exclusive of cost of relocation of occupants during renovation. When the planning options were developed, the potential seismic improvement cost for each reused building was included in the option cost. Conversely, for buildings phased out in the options, the potential seismic improvement costs were not included.

4 Summary of Planning Options

In order to provide a basis for preparation of capital budgets for the improvement and expansion of court facilities statewide, options for the reuse, expansion, or replacement of court facilities in each county were explored. The planning options included a minimum of two options, one reflecting maximum reuse of existing facilities, and the other reflecting reduced reuse of existing facilities and increased new construction.

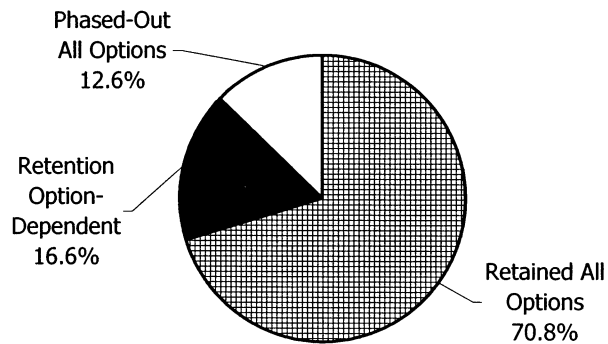
4.1 Retention/Phase-Out of Existing Facilities

Based on the range of planning options developed for all counties, the following table summarizes the disposition of existing facilities statewide. It summarizes the number of facilities, number of courtrooms, and total amount of usable area for: 1) total facilities surveyed; 2) facilities retained in all options; 3) facilities for which retention or phase-out was option-dependent (i.e., varied among the options); and 4) facilities targeted to be phased out in all options. The focus of this analysis is the inventory and disposition of existing facilities, courtrooms, and usable area in the options. It examines the planning options from the perspective of the question: What happened to the existing buildings in the options? Expansion of existing facilities and construction of new facilities in the options are not addressed in the table.

The planning decisions regarding retention and phase-out of facilities were made in the context of the 20-year planning horizon for the study. The question posed was: Given the evaluation of this facility and the potential for mitigating its condition, should it be considered as a viable long-term resource for court use? No attempt was made to assess a facility's suitability as a continued court resource in the short term.

Based on the analysis of the options regarding retention and phase-out of existing facilities, the most notable finding is that 206 buildings—or nearly one-half (46 percent) of all buildings, comprising 65 percent of the existing courtrooms and 71 percent of the usable area of the court space—were retained (both with and without improvements) in all options. Only 142 buildings, comprising 16 percent of the courtrooms and 13 percent of the state's court space, were phased out in all options. Many of these facilities are temporary structures or leased spaces in non-court buildings, while a few are antiquated or inadequate facilities for which the existing conditions cannot be economically mitigated through renovation. For the balance of the existing facilities, comprising 103 buildings representing 19 percent of the courtrooms and 17 percent of the space, the retention/phase-out was option-dependent, i.e., they would be retained in one option and phased out in another option.

**Figure 4.1 - Building Retention/Phase-Out
(Percent of Usable Area)**



**Table 4.1 - Options Analysis: Summary of
Reuse/Phase-Out of Existing Facilities**

	Buildings	Courtrooms	CGSF
Total Surveyed	451	2,136	10,138,323
Retained All Options	206	1,387	7,181,130
	46%	65%	71%
Retention Dependent on Option	103	400	1,679,318
	23%	19%	17%
Phased Out All Options	142	349	1,277,875
	31%	16%	13%

4.2 Facilities Options to Meet Current Needs

The implications of the planning options are best understood through examination of each of the aspects of the options, i.e., the number or amount of buildings, area, or courtrooms that are: 1) retained with or without improvements; 2) added through buy-out and renovation of existing court-related and non-court occupancies; or 3) added through new construction. While the options were developed based on the projected 20-year need for court facilities, the future needs have been apportioned out of options for this analysis so that current needs can be examined separately for the purpose of planning and capital budgeting. The analysis of the facilities requirements for current needs explores the question: How much of the current need for court facilities is being met with existing, expanded, and replacement facilities? The following table relates to the current needs in the

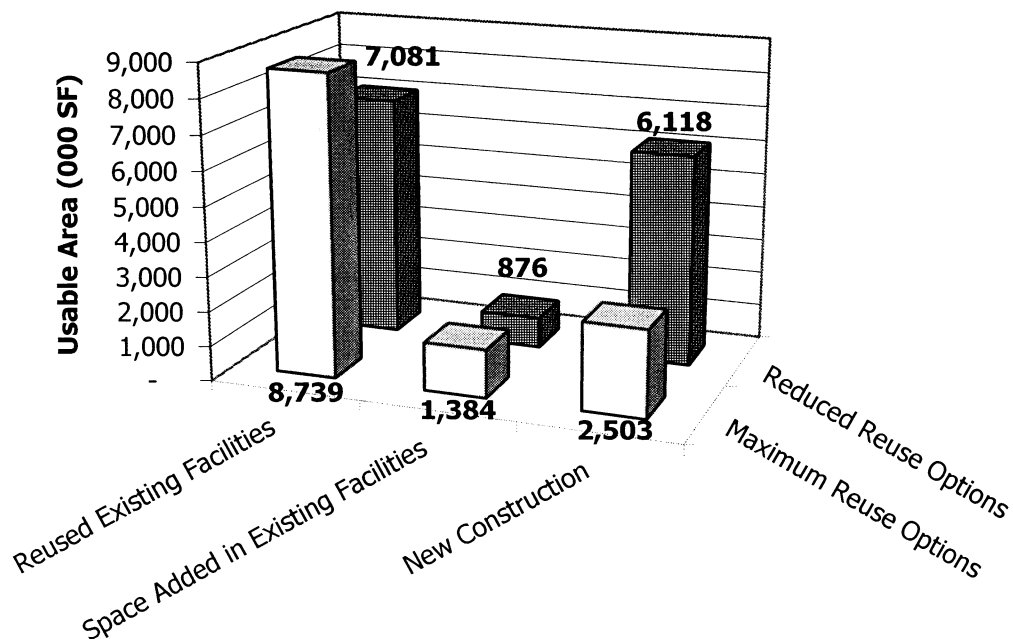
options, including the reuse, expansion, and replacement of existing facilities.

Table 4.2 - Options Analysis - Summary of Options to Meet Current Needs

	Existing/ Reuse			New	
	Retained	Added	Subtotal	Construction	Total
Maximum Reuse					
Buildings	309	-	309	56	365
Courtrooms	1,751	101	1,852	301	2,153
Area (000 SF)	8,739	1,384	10,123	2,503	12,626
Reduced Reuse					
Buildings	206	-	206	96	302
Courtrooms	1,374	60	1,434	724	2,158
Area (000 SF)	7,081	876	7,957	6,118	14,074

The following graph contrasts maximum reuse and reduced reuse options in terms of usable area aggregated statewide.

Figure 4.2 - Options Analysis - Current Needs



4.3 Facilities Options for Future Growth

An estimate of the future need for courtrooms and associated support space was developed for each county to determine the impact that creating additional judgeships has on court facility needs. Facility needs were computed based on forecasts of judgeships and staff developed by the Task Force during Phase 3 of the study, together with application of a computer space model based on the Facilities Guidelines, and addressed in the planning options for each county.

Based on the system growth projections, approximately 5.8 million square feet of additional space will be required over the 20-year planning horizon. The projection serves as an objective basis for long-range planning for future growth of the system. The projection is an estimate, and will be controlled and determined by actual growth in the system and realized only through legislative action. In any case, the projected growth will be self-correcting over time, in the sense that specific facility development decisions and actions, including funding commitments, will be governed by the actual, rather than the projected, growth experienced by the system over time.

4.4 Summary of Planning Options – Current plus Future Needs

The following table summarizes the current and future needs and totals in terms of buildings, courtrooms, and usable area:

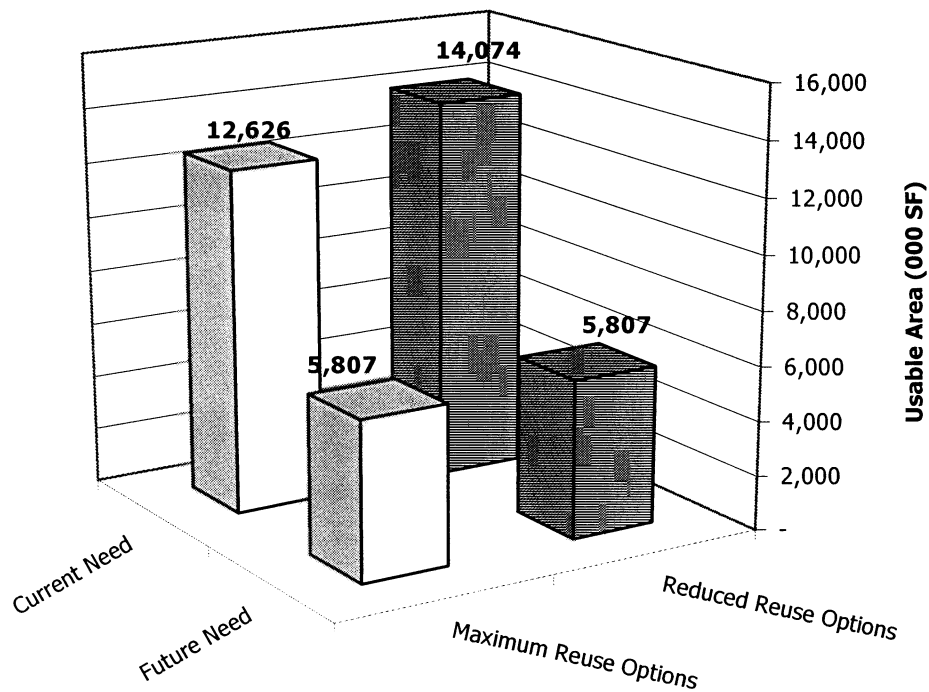
Table 4.4 - Summary of Planning Options

	Existing/ Reuse			New	Current	Future	Total
	Retained	Added	Subtotal	Construction	Needs	Needs	Needs
Maximum Reuse							
Buildings	309	-	309	56	365	107	472
Courtrooms	1,751	101	1,852	301	2,153	696	2,849
Area (000 SF)	8,739	1,384	10,123	2,503	12,626	5,807	18,433
Reduced Reuse							
Buildings	206	-	206	96	302	107	409
Courtrooms	1,374	60	1,434	724	2,158	696	2,854
Area (000 SF)	7,081	876	7,957	6,118	14,074	5,807	19,882

In comparison to the maximum reuse options the reduced reuse options reflect more usable area in fewer facilities. The statewide current need based on the aggregate maximum reuse options comprises a total of 365 facilities and 12.6 million square feet of usable area, while the current need statewide based on the aggregated reduced reuse options comprises a total of 302 facilities and 14.1 million square feet. The maximum reuse options house 86 percent of courtrooms and 80 percent of space statewide in reused, renovated, and expanded existing facilities, while the reduced reuse options house 68 percent of courtrooms and 57 percent of space statewide in reused, renovated, and expanded existing facilities. The maximum reuse options provide only 56 new buildings statewide, while the

reduced reuse options provide 96 new buildings. Compared with the maximum reuse options, the reduced reuse options provide more usable area in newer and fewer facilities. As a result of more new facilities, the reduced reuse options will comprise greater system-wide conformance to the Facilities Guidelines and, if properly planned, may produce more efficient court operations and more cost-effective facility operations.

Figure 4.4 - Summary of Planning Options



5 *Estimated Capital Budget*

This section provides a planning estimate of capital cost to meeting both the current and future need for new and modified facilities. Total costs statewide are expressed as a range from low to high that relates to the range of options from maximum reuse to reduced reuse as outlined in the preceding section. The low total statewide is the summation of the maximum reuse options in all counties, while the high total is the summation of the highest cost reduced reuse options in each county.

The evaluation findings and computed shortfalls guided the development of planning options, which served as the basis for estimating potential capital costs. The estimated costs for the current need include the costs of physical improvements, seismic upgrades, functional improvements, buying out of space from non-court or court-related uses, and phasing out and replacing existing facilities with new facilities.

5.1 **Cost Methodology**

General Approach. A comprehensive cost modeling approach was developed for use in the facilities evaluation and options development for capital planning purposes. The system was designed to:

- Be sufficiently accurate for capital planning purposes.
- Provide a consistent and comparable cost estimate applicable to the wide range of county characteristics.
- Employ the applicable evaluation data for computation of physical and seismic improvement costs.
- Capture significant costs of facility development actions and their directly related impacts (e.g., renovations, buy-outs, new and replacement facilities).
- Reflect variations in the cost of space based on facility uses (e.g., criminal vs. civil).
- Assess potential seismic improvement costs based on facility age and type of construction.
- Represent total capital cost, including building construction cost, project costs (fees, administration, permits, fixtures, furnishings, and equipment), and the cost of parking, site development, and land.

Some classes of potential capital costs and recovery of capital assets were not addressed in the analysis, as they can only be determined through specific capital planning at the project level. The most significant of these include:

- Cost of disposal of phased-out buildings.
- Cost of improvement of phased-out buildings for other non-court uses.
- Asset value and potential revenues from sale of phased-out buildings and land.
- Value of vacated space within mixed-use county buildings.

- Cost of mitigating parking shortfalls in connection with existing court buildings.
- Cost of interim improvements for buildings to be phased out in the future.
- Cost of temporary occupancy during building renovations.

Costs were estimated and tabulated for the following five categories of capital costs for each building in each option at the county level:

- Physical improvements
- Seismic improvements
- Functional improvements
- Space buy-outs
- New facilities

The model space program was prepared by the consultants. The unit costs and regional factors used in the preparation of cost estimates for the planning options were developed by a professional cost estimator experienced with court facility construction in California. All costs were reported in the options as building construction cost based on current 1999 dollars, exclusive of project costs, parking, site development, and land acquisition. Factors were applied to the building construction cost to account for these costs, which are reflected in estimates. The cost estimating methodology employed to compute the building construction cost in each of the five cost categories is described in the following paragraphs.

Functional Improvements. Functional improvements are comprised of renovations of existing space related to a change of use or reconfiguration as required to improve function or mitigate existing shortfalls. The estimated cost was computed in the model by applying a unit construction cost per square foot to the usable area of interior renovation for the new use.

Physical Improvements. The costs of physical improvements represent the estimated costs to upgrade the buildings and their internal components based on the evaluation of their physical condition. The physical condition evaluation cost model established a cost per square foot replacement value for each major building system (e.g., elevators, air-conditioning).

Seismic Improvements. The potential cost of seismic improvements was based on a model that assigned a cost per square foot applicable to a matrix based on the age of the building and range of building structural types. The applicable costs assumed that the buildings would be vacated during the construction of the improvements. For each building retained in the planning options, the potential seismic improvement cost was included in the cost of each option.

Space Buy-out. Space buy-outs represent the cost of relocating existing court-related or non-court occupants, including the total cost of replacing their space with a like amount of equivalent space in a new building on a new (unspecified) site. No allowance has been provided to expand the space of the displaced occupants, or to address shortfalls or relieve crowding in their existing occupancy. A cost model was applied using the estimated cost per square foot for office buildings in the region, including core and shell and complete interior improvements.

New Facilities. The estimated cost of new and replacement facilities, both for current need and for future need, is based on a model space program by component area. The type and amount of space depends on the mix of uses in the building.

5.2 Estimated Cost of Parking, Site Development, and Land

In developing estimates of required parking for court facilities, the Task Force recognized the need for providing adequate parking for public, staff, and other users, and has included the cost of parking development in the estimated capital budget requirements for the planning options. It also recognized the influence that existing parking norms have on the provision of parking facilities for projects located on urban core sites.

Based on courthouse planning practices, the parking demand for court facilities was estimated to be 45 parking spaces per courtroom, allowing for public, employees, judiciary, jurors, and other courthouse participants. For capital planning purposes the consultants included 100 percent of the total estimated parking demand for all projects except those anticipated to be located on highly dense urban core sites. For the most urban sites the Task Force included 50 percent of that total parking demand in the project budgets, and included sufficient allowances for the construction of structured parking facilities for the parking. The rationale and methodology regarding the approach is described in the following paragraphs.

The amount of parking to be provided in the project budgets for urban core courthouses must ultimately be determined on a project basis. The decision will depend on whether paid parking is the expectation of public, employees, and court participants, on the level of parking service available within the immediate surroundings of any proposed courthouse site, and on the availability of existing public transportation. In locations where paid parking is the expectation, parking facilities will generate revenues that can fund additional parking facility development based on the demand. As a result, the required parking for public and staff may be provided in parking facilities funded by other sources, such as parking districts or redevelopment agencies. Urban core sites also often provide a range of parking options and public transit for public, staff, and court participants. Moreover, the established parking patterns, habits, and expectations throughout the urban core contribute to the decision regarding the provision of parking facilities for new courthouses in downtown urban core sites.

While the Task Force has budgeted for 50 percent of the parking demand for those projects assumed to be developed on the urban core sites in the urban counties, the actual amount of parking to be provided will be ultimately influenced by future policy decisions on a site-by-site basis. Parking requirements will also be established subject to local transportation plans and review processes, as may be required under the California Environmental Quality Act.

5.3 Estimated Capital Costs for Current Needs

Estimated capital budget requirements for current needs statewide—including the cost of parking, site development and land acquisition costs for all new and buyout facilities—range from \$2,808 million for the maximum reuse options to \$3,383 million for the reduced reuse options.

Functional Improvements, Space Buy-out and New Facilities. Most of the options costs identified as functional improvements, space buy-out, and as new and replacement facilities is allocated to the mitigation of existing functional deficiencies and space shortfalls. Buildings were phased out and replaced generally due to functional, rather than physical, deficiencies. For the

maximum reuse options, functional improvements represent 9 percent, space buy-outs 9 percent, and new and replacement buildings 39 percent of the cost of current need in the options. For the reduced reuse options, functional improvements represent 4 percent, space buy-outs 3 percent, and new and replacement buildings 71 percent of the cost of current need in the options.

Physical Improvements. In the maximum reuse options the cost of physical improvements comprise 20 percent of the cost of the current need. In the reduced reuse options, they comprise only 11 percent of the cost of the current need. Physical improvements include major repairs and capital improvements for exterior walls, roofs, ADA, vertical transportation (elevators), life safety, fire protection, signage and graphics, plumbing, HVAC, electrical, communications, and seismic.

Seismic Improvements. With respect to potential cost of seismic improvements, a model was developed to identify and assess the potential need for seismic improvements, based solely on age of buildings and the structural type. Those potential costs represent 23 percent of the current need in the maximum reuse options, and 11 percent of the current need in the reduced reuse options.

Distribution of Current Need. The following charts summarize the distribution of the cost for current need in the maximum reuse and reduced reuse options respectively:

Figure 5.3A
Cost Distribution of Current Need
Maximum Reuse Options

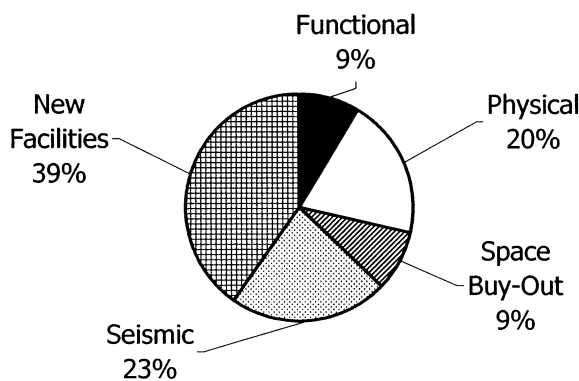
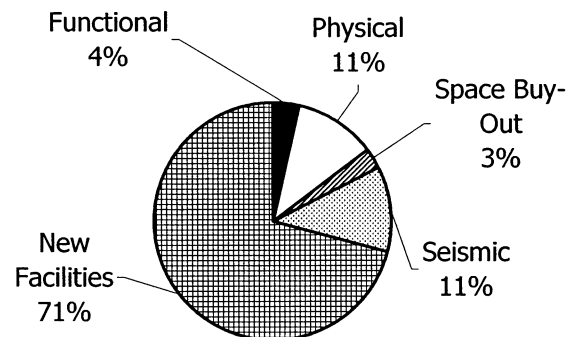


Figure 5.3B
Cost Distribution of Current Need
Reduced Reuse Options



5.4 Comparison of Maximum Reuse and Reduced Reuse Options

The capital budget variations between the maximum reuse and the reduced reuse options should be compared to the benefits. The maximum reuse options require more acceptance of existing conditions and provide a lower level of conformance with Facilities Guidelines, while the reduced reuse options provide greater conformance with the Facilities Guidelines and more mitigation of existing conditions.

The maximum reuse options reflect more renovation, including improvements in ADA accessibility improvements, HVAC, life safety, and seismic safety, and more replacement facilities for displaced court-related and non-court existing occupants in the facilities. As a result, more than 50 cents on the dollar of the cost for current needs in the maximum reuse options is devoted to space buy-outs and

facility infrastructure improvements, such as physical improvements and seismic improvements, without significant benefit to court operations. In the reduced reuse options, approximately 25 cents on the dollar is spent on such improvements, with the balance being spent directly on facility improvements that translate into improved court operations.

Perhaps more important, the maximum reuse options reflect greater continuation of operational inefficiencies as a result of geographically dispersed facilities, resulting from the prior practice of providing municipal courts in each population center. Conversely, the reduced reuse options reflect a reduction in the number of facilities, and elimination of internal and system-wide inefficiencies, by replacing outdated and smaller facilities. The concomitant reduction in the number of separate facilities reflected in the reduced reuse options, resulting from the phasing out of antiquated and inefficient buildings, should translate into more efficient court operations and a higher level of service to the public, as well as more cost-effective facility operations.

5.5 Estimated Capital Costs for Future Needs

The capital budget need for the projected 20-year growth—including the cost of parking, site development, and land acquisition costs for all new facilities—is estimated at \$2,075 million.

During the options planning process, the future need based on the projected growth was accommodated in the options principally through the addition of new facilities. The future facility requirements are independent of the reuse of existing facilities, and are therefore the same for the maximum reuse and reduced reuse options.

The projected growth is an estimate for use for long-range planning. It will be self-correcting over time, in the sense that it will be controlled and determined by actual growth in the system, and realized only through legislative action.

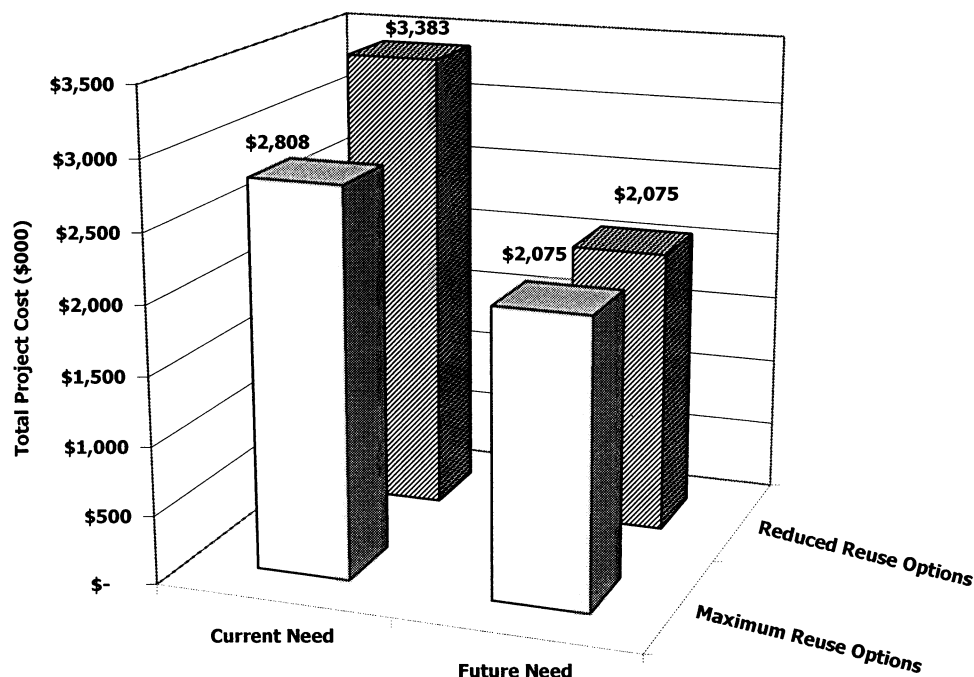
5.6 Total Capital Costs – Current plus Future Needs

As indicated in the following table, the aggregate cost of planning options to satisfy current and future needs for all counties, including the cost of parking, site development, and land acquisition costs, ranges from \$4,883 million for the maximum reuse options to \$5,458 million for the reduced reuse options.

Table 5.6 - Estimated Capital Budget Needs

Project Cost including Fees, Permits, Testing, Inspection, FF&E, Land, Site Development, and Parking		
	Maximum Reuse (\$ Millions)	Reduced Reuse (\$ Millions)
Current Need	\$ 2,808	\$ 3,383
Future Need	\$ 2,075	\$ 2,075
Total Current plus Future	\$ 4,883	\$ 5,458

Figure 5.6 - Estimated Capital Budget Needs



5.7 Mitigating the Need for Additional Court Facilities

The Task Force considered various measures that could mitigate the need for additional space and thus lower the total estimated capital costs of additional court facilities. These measures and the associated potential cost savings are presented in Appendix A. The amount of the potential savings depends upon which measures are implemented and the extent to which the measures are implemented throughout the court system. The capital funding estimates presented in this report have not taken into account these potential savings and consequently the capital funding estimates could be lower if space mitigation measures were adopted and implemented in the courts.

5.8 Impacts of Additional Judicial Positions on Other Justice System Facilities

The impacts of additional judicial positions on court facilities have been reflected in the estimated cost of future need in the options. The Task Force also examined the impacts of additional judicial positions on other state and local justice system facilities. The results of the analysis are presented in Appendix B.

5.9 Adjustment of Capital Costs from 1999 Dollars to 2001 Dollars

All building construction and related capital development costs throughout this report are expressed in constant 1999 dollars, current at the time of the survey and analysis. In order to adjust the total capital need to 2001 dollars, an escalation factor was computed using the California Construction Cost Index (CCCI) published by the Real Estate Services Division of the Department of General Services. Using the CCCI, the construction cost inflation from mid-year 1999 to mid-year 2001 was computed as 3.74%. For example, the effect of this inflation is to increase the total current capital need for the maximum reuse options by \$105 million, from \$2,808 to \$2,913 million.

CHAPTER 5

Trial Court Facilities: Responsibility, Funding, and Transition

1 Introduction

Overview

The Lockyer-Isenberg Trial Court Funding Act of 1997, AB 233 – Escutia and Pringle (Act), chartered the Task Force on Court Facilities to review and report the status of court facilities throughout the state, and to make recommendations for specific funding responsibilities among the entities of government (i.e., state and/or county¹). Government Code section 68073 requires that California’s 58 counties provide trial courts with necessary and suitable facilities for judicial and court support positions created prior to July 1, 1996. Under the Act, the state assumed responsibility for facilities for judicial officers and support staff for any judgeships authorized during the period from January 1, 1998, to June 30, 2001.

This chapter summarizes the Phase 5 report of the Task Force and its recommendations regarding the financial and organizational structures necessary to manage trial court facility operations, maintenance, and capital facilities development programs and, specifically, what entity of government should be responsible for these programs. This chapter also recommends a transition plan and schedule for effecting the Task Force’s recommended changes.

The chapter is organized as follows:

- **Section 1** provides a brief history of the movement of responsibility for the trial courts from the counties to the state. Additionally, it documents the specific legislative mandates of AB 233 that guided the Task Force’s work.
- **Section 2** presents the Task Force’s recommendation to transfer responsibility for trial court facilities from the counties to the state, and documents the underlying principles and rationale supporting the recommendation.
- **Section 3** focuses on the fiscal issues associated with trial court facilities. The existing court facilities inventory and its related operations and maintenance costs are profiled, as are capital costs for developing new facilities to meet forecasted court needs. Current funding sources and revenue are discussed, and recommendations for future funding are presented.
- **Section 4** describes the implementation steps and schedule recommended for transferring responsibility for trial court facilities from the counties to the state. Short-term implementation principles and organizational recommendations necessary for effecting the proposed transfer are

¹ Throughout this report, the terms “county” and “counties” include the City and County of San Francisco.

presented. Long-term facilities management policy and organizational recommendations are also outlined in this final section.

Trial Court History

At the beginning of the past century, no building reflected the aspirations of a community more than the local courthouse. “It is our temple of justice,” one official declared at the dedication of the Placer County Courthouse on Independence Day, 1898. “It is the repository of our titles, the fortress of our personal and property rights, the fountainhead of our school system, the registry of our births, marriages and deaths, and its inmates stand guard by day and night over the peace and good order of our communities.” For the first 100 years of California’s statehood, county courthouses stood—figuratively but often quite literally as well—at the center of civic life, as monuments to the democratic ideals of early Californians.

Now, as then, the courthouse remains a tangible symbol of the rule of law. It is a primary point of contact between Californians and their government, and is a key component in the access to and delivery of justice. The primary constitutional duty of the courts is to provide access to a fair and impartial forum for the resolution of disputes. Courthouses are public resources that need to be managed in the most efficient and effective way to serve the public.

A courthouse must be accessible, efficient, and convenient, while ensuring the safety of its occupants. A courthouse’s ability—or inability—to separate adversarial parties or criminal defendants from their opponents and victims, as well as from staff and the public, can have a dramatic impact on public safety and the integrity of the judicial system.

From County to State Responsibility

The trial courts evolved as county-level institutions, and each developed in its own way based on the needs of the local judiciary and the culture of the local county government. Over the past decade, several important reforms have transformed the courts into state-funded institutions, and attempts are being made to overcome the inadequate and unequal distribution of court resources, including facilities, among the 58 counties.

Among the most important of these reforms was the Lockyer-Isenberg Trial Court Funding Act of 1997. This legislation provided that court operations would be funded entirely by the state. It gave the Legislature the authority to make appropriations, and assigned to the Judicial Council the responsibility to allocate state funds to the courts. While the counties continue to contribute to trial court funding through a maintenance of effort obligation, this restructuring of court funding ended a dual system of county and state funding, and provided a more stable, consistent funding source for trial court operations. Counties, however, continue to be responsible for trial court facilities.

Another significant structural court reform of recent years, affecting court operations at all levels, was trial court unification. Prior to June 1998, California’s trial courts consisted of superior and municipal courts, each with its own jurisdiction, judges, and staff. In June 1998, California voters approved Proposition 220, a constitutional amendment permitting the judges in each county to unify their superior and municipal courts into a single superior court. The local trial courts have since unified in all 58 counties. The goals of court unification included improving services to the public, maximizing the use of court resources, and saving taxpayer dollars.

In 2000, the Trial Court Employment Protection and Governance Act (SB 2140 – Burton) was passed by the Legislature and signed into law by Governor Gray Davis. Prior to enactment of this law, people working in the trial courts were county employees. SB 2140 created a new trial court employee personnel system that vested in the local courts the authority to hire personnel and regulate their classification and compensation; establish personnel rules and regulations; engage in collective bargaining; establish retirement programs; and maintain official personnel files. This legislation adopted the recommendations of the Task Force on Court Employees, which was established by AB 233. SB 2140 was a significant milestone, increasing the independence of the trial courts from their local counties.

Judicial system reforms and the changing expectations of the courts will continue to have substantial impacts on court operations and facilities for the 21st century.

Legislative Mandate

The Act established the Task Force on Court Facilities and charged it with performing a comprehensive review of California’s court facilities. This chapter focuses on the following duties and responsibilities, excerpted from the Act, relating to funding of trial court facilities:

Government Code Section 77653

“The duties of the task force shall include all of the following:

...

- (c) Document the funding mechanisms currently available for maintenance, operation, construction, and renovation of court facilities.

...

- (h) Recommend specific funding responsibilities among the various entities of government for support of trial court facilities and facility maintenance including, but not limited to, full state responsibility or continued county responsibility.
- (i) Recommend funding sources and financing mechanisms for support of court facilities and facility maintenance.”

Government Code Section 77654

“The report shall document all of the following:

...

- (3) The currently available funding options for constructing or renovating court facilities.

...

- (7) Recommendations for specific funding responsibilities among the entities of government including full state responsibility, full county responsibility, or shared responsibility.
- (8) A proposed transition plan if responsibility is to be changed.

- (9) Recommendations regarding funding sources for court facilities and funding mechanisms to support court facilities.”

2 *Responsibility for Trial Court Facilities*

Recommendation

The Task Force recommends that the state assume full responsibility for trial court facilities. This recommendation is consistent with previous decisions that transferred financial responsibility for court operations and court personnel from the counties to the state. The Task Force further recommends that transfer of responsibility for court facilities occur over a three-year period, with counties retaining responsibility for facility maintenance costs through Maintenance of Effort (MOE) obligations to the state and payment on existing court facility debt. The reasons that the Task Force came to this conclusion are as follows:

- The judicial branch of state government is wholly responsible for its programs and operations, with the exception of facilities. The judiciary should have the authority, responsibility, and financial capacity for all of the functions related to its operations and staff, including facilities.
- Controlling both operations and facilities ensures that all costs are considered when decisions are made, and ensures economical, efficient, and effective court operations.
- The state, being solely responsible for creating new judgeships, drives the need for new court facilities.
- Equal access to justice is a key underpinning of our society and the rule of law. It is also a paramount goal of the Judicial Council, the policy-making body of the judicial branch. The state can best ensure uniformity of access to all court facilities in California.

Principles Guiding the Task Force’s Recommendation

In the course of developing specific funding and transition recommendations that are presented in Sections 3 and 4 of this chapter, the Task Force was guided by common principles that it believes are essential to the success of any future court facilities management model. The key principles are as follows:

Fiscal Neutrality

Any change of facilities responsibility should be fiscally neutral to both the state and counties. Fiscal neutrality includes:

- Avoiding any fiscal gain or loss to either party at the point in time when responsibility for facilities changes.
- Transferring revenue used for paying debt service, if responsibility for the debt transfers.
- Transferring funds historically used for operating and maintaining existing court facilities if the responsibility for these functions change.

- Holding counties harmless for the cost of deferred maintenance should facilities responsibility change to the state, except when there is either a significant threat to the life, health, or safety of persons occupying the building, or functional deficiencies which in their totality are significant.
- If title to a court facility is transferred, no payment should be made for the capitalized value of buildings and associated land.
- For shared-use facilities, the equity rights of both parties should be based on their proportional share of use in the facility, regardless of which entity (state or county) holds title.

Continuity of Planned Projects

The Task Force applied the principle that capital investment in needed court renovation and construction projects should be vigorously pursued to completion during the time it takes to effect any recommended change in responsibility.

Continuing Local Participation

Because courts and county justice agencies share a unique and close relationship, they should both participate in future court facility decisions regardless of who is fiscally responsible for the facility. Facility decisions affect the operating costs of the courts and county justice agencies, as well as the ability of each to perform its job. Rules regarding the transfer, sale, and future development of court facilities should be established that provide for both court and county participation in siting, minor capital outlay, maintenance, and major capital outlay decisions, while recognizing the rights of the fiscally responsible party.

Unique Facilities

Most trial court facilities have unique attributes, such as their history, location, ownership constraints, indebtedness, and use by more than one agency. Any process for transferring facility responsibility must be designed to address and accommodate court facilities' unique attributes.

3 *Funding*

Introduction

This section forecasts the trial courts' facility funding needs and resources necessary for the effective management of court facilities, including capital facility planning and development. The funding required is based on:

- Projected facility construction and renovation activity
- Ongoing costs of operating and maintaining existing and future facilities
- Organization and support resources to administer the above activities

Unless otherwise noted, all costs and budget projections are presented in 1999 dollars. No attempt is made to adjust for inflation.

Existing Trial Court Facility Inventory

The existing trial court facilities inventory in California includes 451 facilities totaling 10.1 million usable square feet (USF). Approximately 9.0 million USF (89 percent) are in county-owned buildings, and 1.1 million USF (11 percent) are in commercially leased buildings.

The Task Force distributed a facilities operations survey to all 58 counties. The survey was designed to document the counties' annual expenditures and funding sources for facilities-related operational costs such as building maintenance, cleaning, repairs, groundskeeping, waste removal, utilities, and security. The survey requested information on the amount of outstanding debt, payments, and funding sources for county-owned court facilities that are still financed. Information on the term, rent, and funding sources for commercially leased court facilities was also collected. All cost information was for fiscal year 1998–99 (July 1, 1998, through June 30, 1999). A copy of the survey and a summary of the results are located in Appendix A of the Phase 5 report. The collected data² were used to estimate the baseline cost of operating and maintaining existing trial court facilities throughout the state, including the cost of leasing and minor repairs.

Facilities Support Costs – Operations, Maintenance, and Administration

The facilities support costs are categorized as follows:

- Facility operations and maintenance – cleaning, maintenance, scheduled repairs, road expenses, and groundskeeping costs
- Utilities – water/sewer charges, electricity, and gas

² Cost information was not reported for all counties or all facilities. When a county provided actual cost information for some, but not all, buildings, total county operating and maintenance costs were estimated by applying the average county reported cost per square foot to their entire inventory of court space. If a county failed to report costs, their operating and maintenance costs were estimated by applying the statewide average cost per square foot to their inventory of court space.

- Insurance – property insurance
- Administration and management (strategic planning, department administration, payroll, finance, and program management)

The reported annual cost to maintain and operate court facility space is approximately \$12.35 per USF, exclusive of administration and management.

Management and administrative costs are difficult to isolate and track. The 2000 Building Owners and Managers Association (BOMA) Experience Exchange Report provides a benchmark for these costs. The BOMA report documents commercial and public facilities costs for buildings throughout the United States and Canada. The data reported are calendar year 1999 actual costs expressed in dollars per rentable square foot (RSF). Per the BOMA report, the average administrative cost per RSF for all government buildings in California is \$1.20. Utilizing BOMA's reported rentable-to-usable ratio (1.22:1.00), the administrative cost on a usable-square-foot basis is \$1.46. With this cost added to the reported facilities cost collected by the survey, the total adjusted facilities support cost per usable square foot is \$13.81, as illustrated in Table 3A.

Applying the \$13.81/USF unit cost to all 10.1 million square feet of existing trial court facilities statewide, the annual facilities support expenditures approximate \$140.0 million.

Facility Lease Payments

Based on costs reported in the survey of the counties, the annual average lease cost per usable square foot is \$24.73. When this cost is extended to all 1.1 million USF of leased facilities, the annual lease expense is approximately \$27.6 million.

Debt Service Costs

The survey asked counties to report the use of bonds to finance existing county-owned court facilities, the remaining term of the bonds, the amount of the annual bond payment, and the source of funds for the bond's repayment. Of the 451 existing court facilities, only 68 (approximately 15 percent) are currently financed. These 68 facilities are located in 22 of the 58 counties. Generally the 68 buildings are among the most recently constructed trial court facilities within the statewide system. The results of the survey indicate that an estimated \$95.8 million in total annual debt service is incurred by counties for trial court facilities, with an average of 14.4 years remaining on the debt.

Summary

Table 3A
Estimated Operations, Maintenance, Utilities, and Insurance Costs
for FY 1998/99

Category	Cost / USF	Cost/Year (Millions)
Maintenance	\$9.74	\$98.7
Cleaning		
Scheduled repair and maintenance		
Grounds and roads		
Alterations and repairs – scheduled and unscheduled		
Utilities	\$2.26	\$22.9
Building insurance	\$ 0.35	\$3.5
Survey Facilities Support Cost Total*	\$12.35	\$125.0
Administration**	\$ 1.46	\$14.8
Adjusted Facilities Support Cost Total	\$13.81	\$140.0
Lease Payments* (for 1.1 mil USF)	\$24.73	\$27.6
Annual Debt Service Payments*		\$95.8

Source: *Task Force on Court Facilities' Survey of County Trial Court Facilities Operations and Maintenance Costs

**BOMA 2000 Experience Exchange Report

Present Condition of Court Facilities

As required by the Act, the Task Force conducted an extensive inventory and evaluation of statewide court facilities. A number of well-designed, well-maintained courthouses were found that served the court and community well; they are an appropriate reflection of the importance of the rule of law in our society. Unfortunately, many were found in need of significant maintenance, repair, or renovation. Facility needs commonly identified include the following:

- Physical security improvements, such as separation of in-custody defendant circulation from staff and public, entry control, and perimeter intrusion detection
- In-custody holding facilities
- Life safety improvements, including proper exiting systems, fire sprinklers, and possible seismic upgrades

- Accessibility improvements to comply with Americans with Disabilities Act and Title 24 requirements
- Major building system repairs, such as re-roofing and replacement for heating, ventilation, and air conditioning systems
- Courtroom improvements that ensure jury/spectator separation and proper presentation of cases
- Electrical and data distribution infrastructure necessary for modern technology
- Improved jury assembly space

The study also identified an existing need for additional space to address the following:

- Overcrowding in staff support areas
- Space shortfalls for new administrative positions created as a result of state trial court funding, such as personnel, purchasing, and accounting
- Meeting space for settlement conferences and alternate dispute resolution

More detailed information can be found in the Trial Court Facilities: Inventory, Evaluation, and Planning Options report.

Current Facility Need

To remedy the identified facility problems, the Task Force developed a range of planning options that included altering or adding to existing buildings, and constructing new buildings. The planning process identified potential capital development costs based on a range of specific and practical development options that considered the results of the court facility evaluation, consolidation of court functions, operational efficiencies, geographic growth patterns, and service delivery changes.

Generally, two or more options were developed for each county—one that maximizes reuse of existing facilities, and a reduced reuse option that consolidates court operations to increase efficiency by, typically, replacing more of the existing facilities. Planning also considered the need to replace temporary trailers and relocatable buildings; older, outmoded facilities that were neither economical to renovate nor of historic value; and fragmented facilities in leased spaces.

To address current statewide court facility needs, the maximum reuse options have a total of 365 facilities and 12.6 million USF, while the reduced reuse options total 302 facilities and 14.1 million USF. The maximum reuse options include only 56 new buildings, while the reduced reuse options include 96 new buildings. The reduced reuse options provide more usable area in newer and fewer facilities. In most cases, the maximum reuse options feature a significant acceptance of existing conditions, with a concomitant lower level of conformance to the Trial Court Facilities Guidelines.

Table 3B
Current Facility Need – Increase in Usable Square Feet
(000 USF)

Current Need Scenario	Maximum Reuse	Reduced Reuse
Facilities reused	8,739	7,081
Additions to current facilities	1,384	876
New buildings added	2,503	6,118
Total USF after meeting current need	12,626	14,074
Less: Total USF of existing inventory	(10,138)	(10,138)
Net increase in facilities inventory	2,488	3,936

Source: Trial Court Facilities: Inventory, Evaluation, and Planning Options

Funding required to address current court facility needs falls into two categories:

- Capital outlay funds for renovation, major repair, or expansion of existing facilities and new construction
- Support funds for the ongoing operation, maintenance, and management of the additional facilities inventory

The Task Force's capital funding estimates for the range of planning options for current needs is \$2,808 million to \$3,383 million for the maximum reuse options and reduced reuse options, respectively. Figures 3A and 3B show funding distribution by category for both the maximum reuse and reduced reuse options:

Figure 3A
Cost Distribution of Current Need
Maximum Reuse Options

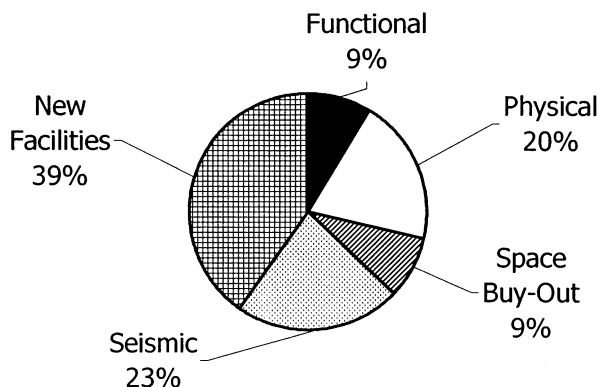
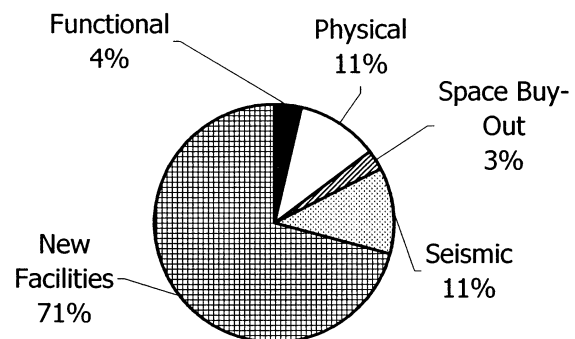


Figure 3B
Cost Distribution of Current Need
Reduced Reuse Options



Despite the many problems with their facilities, the trial courts are generally functioning adequately, though often inefficiently and sometimes with risk to staff and public safety. To increase affordability and ensure that the most critical facility deficiencies are addressed in a timely manner, the Task Force recommends that current facility needs be funded over a 10-year period, following an initial ramp-up period. The annual capital funding needed to accomplish that goal would range from \$280.8 million to \$338.3 million.

As space is added to the current court facilities inventory, operations, maintenance, and administrative support would also increase. Applying the adjusted average facilities support costs of \$13.81 per usable square foot for existing facilities to the net added square footage results in an annual increase (over the 10-year period) in funding needed for facilities support costs of \$3.4 million to \$5.4 million. Although not reflected in the preceding calculation, new facilities are often more economical than older facilities to operate and maintain. The table below summarizes the impact of fulfilling the current need.

**Table 3C
Current Need
Capital and Facilities Support Cost Funding**

Current Need	Maximum Reuse		Reduced Reuse	
	Total	Annually (over 10 years)	Total	Annually (over 10 years)
Total USF Added (000 USF)	2,488	249	3,936	394
Total Capital Need (\$ mil)	\$2,808	\$280.8	\$3,383	\$338.4
Support Cost Increase (\$ mil)	\$34.4 (year 10)	\$3.4 (year 1)	\$54.4 (year 10)	\$5.4 (year 1)

Future Facility Need

While current need is a function of existing conditions, the future facility need is a function of the projected growth of the trial courts. The Task Force forecasted the number of judges and staff each county trial court may have in the future. The forecasts were made for 5-, 10-, 15-, and 20-year increments into the future, using detailed statistical analysis of 18 years of data that examined workload, population, and staffing trends (see Chapter 3 of this report, Forecasts of Future Need). By applying the Facilities Guidelines to the judgeship and staff forecasts, the Task Force projects that an additional 5.807 million USF of court facilities may be needed over the next 20 years. The average annual increase in court facilities to meet new demand on the court system would be 0.290 million USF.

Forecasted needs are for planning purposes only. Future court facility needs will be based on actual growth of the California court system, which is largely driven by the addition of judicial positions and staff approved through the state budget and legislative processes. Individual projects also require

programming and justification prior to approval. Forecasted needs will, therefore, be self-correcting over time.

Like current need, future court facilities needs require both capital outlay funds for construction, and support funds for the ongoing operation and maintenance of added court facilities. The estimated total capital cost of the future need is \$2,075 million, or \$103.8 million annually over a 20-year planning horizon. Applying the adjusted average facilities support costs of \$13.81 per USF for existing facilities to the net added square footage (0.290 million per year) results in an annual increase (for the 20-year period) in funding need for facilities support costs of \$4.0 million. The impact of fulfilling the future need is summarized in the following table.

**Table 3D
Future Need
Capital and Support Cost Funding**

Future Need	Total	Annual (over 20 years)
Total USF added (000 USF)	5,807	0.290
Total capital need (\$ mil)	\$2,075	\$103.8
Support cost increase (\$ mil)	\$80.2 (year 20)	\$4.0 (year 1)

Total Annual Investment Based on Planning Options

While there are innumerable investment strategies that can be developed to fund needed trial court facilities, one strategy is illustrated in Table 3E. It is based on meeting identified current needs over a 10-year period, following an initial ramp-up period as recommended by the Task Force, with extensive reuse of existing trial court facilities. (For illustrative purposes the maximum reuse option was utilized for this analysis. Appendix C of the Phase 5 report shows the reduced reuse option that results in higher capital costs.) In the model, future need is addressed by straight-line funding over a 20-year period starting in year 5.

Table 3E
Total Funding Needs (\$ Millions)

Option	Total Capital Funding Need	Over # Years	Capital Funding Need/Year	Annual Increase in Support Costs
Current Need (maximum reuse)	\$2,808	10	\$280.8	\$3.4
Future Need	\$2,075	20	\$103.8	\$4.0
Total	\$4,883		Varies by Year	\$7.4

The Task Force recommends giving priority to renovating, replacing, or expanding trial court facilities to address current critical space and functional shortfalls, as illustrated in the model. If funding responsibility transfers to the state, time will be required for the state to mobilize sufficient resources to carry out the capital project workload. For modeling purposes, capital spending for the current need is ramped up over a three-year period, and the future need is first addressed beginning in year five.

Based on these assumptions, the total annual funding requirement for existing facilities—as well as the capital and ongoing facilities support for the current and future need—is illustrated in the chart and table below. Appendix C of the complete report of Phase 5 provides a more detailed model, including key assumptions.

Figure 3F
COST MODEL BEFORE REVENUES
Scenario: Maximum Reuse – Pay-As-You-Go
(\$ Millions)

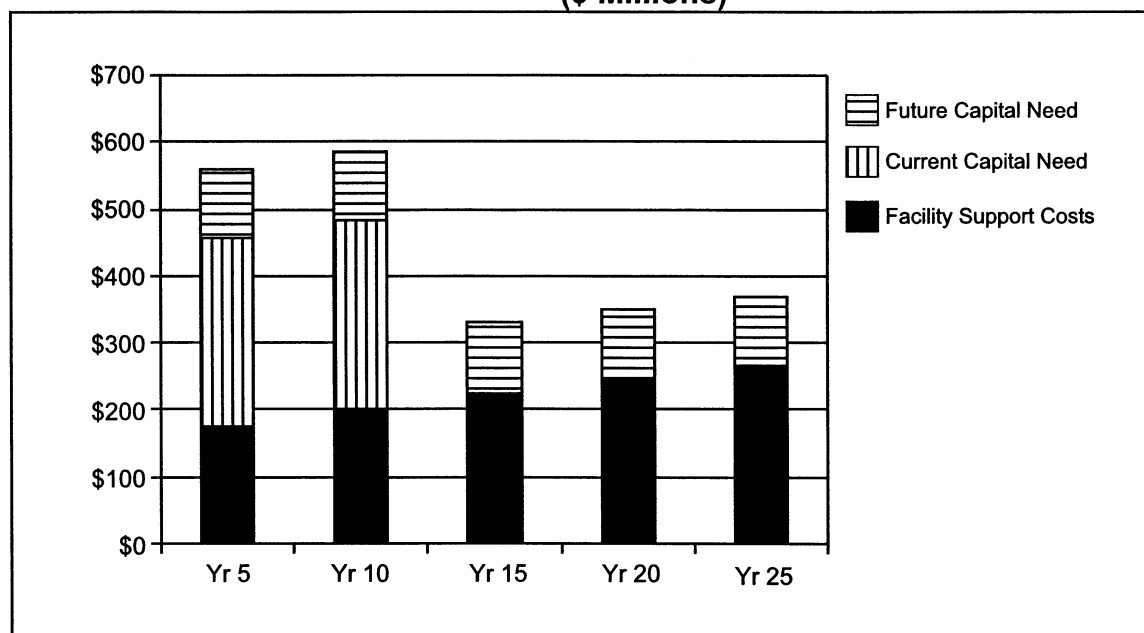


Table 3F
(Data for Figure 3F*)
Annual Cost For Selected Years
(\$ Millions)

	Year 5	Year 10	Year 15	Year 20	Year 25
Facilities inventory (USF, in millions)	11.2	13.9	15.8	17.3	18.7
Current capital need	\$280.8	\$280.8	\$0	\$0	\$0
Future capital need	\$103.8	\$103.8	\$103.8	\$103.8	\$103.8
Total capital need	\$384.6	\$384.6	\$103.8	\$103.8	\$103.8
Facility support costs	\$175.7	\$202.6	\$225.4	\$245.4	\$265.5
Total Funding	\$560.3	\$587.2	\$329.2	\$349.2	\$369.3

* Values charted in Figure 3F are shown in bold.

Adjustment of Capital and Support Costs from 1999 Dollars to 2001 Dollars

All of the costs and analyses throughout this report are expressed in constant 1999 dollars, current as of the time of the survey and analysis. These costs and analyses can be adjusted to year 2001 dollars by using the following published cost indices.

Capital Cost Adjustment

In order to adjust the capital funding needs to 2001 dollars, an escalation factor of 3.74 percent was computed using the California Construction Cost Index (CCCI) published by the Real Estate Services Division of the Department of General Services. As an example, the effect of this inflation factor is to increase the cost of the maximum reuse options by \$10.5 million per year, from \$280.8 million to \$291.3 million per year, over the 10-year period identified in the analysis for meeting the current need.

Support Cost Adjustment

The facility support costs for operations and maintenance may be adjusted to 2001 dollars using the average of the following three facilities-related indices from the Bureau of Labor Statistics Producer Price Index: (1) building cleaning and maintenance services (Series Id PCU 7349); (2) operators and lessors of nonresidential buildings (Series Id PCU 6512); and (3) maintenance and repair construction (Series Id PCU BMRP). The resulting inflation factor for the applicable period is 5.98 percent. As an example of the impact of the adjustment, the adjusted facility support cost total is increased from \$140.0 million to \$148.4 million.

Existing Funding Sources

Operations and Maintenance

With few exceptions, trial court facility operations and maintenance costs are currently a county responsibility (Gov. Code §68073) and are typically funded from the county general fund. The state is responsible for funding court security services (including perimeter security), equipment and furnishings, interior painting, replacement/maintenance of flooring, janitorial services, space rental for court records, and general liability/comprehensive insurance for other than faulty maintenance or design of a facility (Cal. Rules of Court, rule 810). State funds are sought and appropriated through the state support budget process.

Capital Projects

The facility ownership and operations survey of counties revealed that the primary resources currently being used by counties to fund court capital facility asset development include the following:

- Courthouse Construction Funds
- Criminal Justice Facility Construction Funds
- County general funds
- Other revenue

Based on the survey, revenue dedicated to retiring capital debt on court facilities statewide is about equally split between the Courthouse and Criminal Justice Facility Construction Funds (50 percent) and county general funds (47 percent). Grants and miscellaneous revenue fund the remaining three percent.

Revenues are derived from three sources: the Courthouse Construction Fund, the Criminal Justice Facilities Construction Fund, and civil filing surcharges.

Government Code section 76000 et seq. requires counties to levy an additional penalty of \$7 for every \$10 in fines, penalties, and forfeitures imposed for criminal offenses, including violations of the vehicle code (except parking offenses). Pursuant to a county board of supervisor's resolution, the added penalty can be deposited into any of six authorized funds. Two of these, the Courthouse Construction Fund and the Criminal Justice Facilities Construction Fund, are used for rehabilitating, constructing, or financing court facilities. While the Courthouse Construction Fund is limited to these purposes, the Criminal Justice Facilities Construction Fund may be similarly used for county criminal justice facilities, as well as for the operation and maintenance of court and criminal justice facilities and the improvement of criminal justice automated information systems. Because the amount collected for the courthouse construction fund is set by a county's board of supervisors, it varies from \$0 to \$5 dollars per every \$10 in fines, penalties, and forfeitures imposed for criminal offenses (Appendix B of the Phase 5 report). When authorized by a county board of supervisor's resolution, an additional penalty of \$2.50 for each fund (Courthouse Construction and Criminal Justice Facility Construction Funds) may be imposed for each parking violation for which a penalty, fine, or forfeiture is imposed. One dollar for every \$2.50 collected for each fund is subsequently deposited into the county general fund.

In addition to the Courthouse Construction and Criminal Justice Facilities Construction Funds discussed above, Riverside, San Francisco, and San Bernardino Counties are authorized by the Government Code to add surcharges to civil filing fees.

- Government Code sections 26826.1 and 26826.2 authorize the Board of Supervisors of Riverside County to impose a surcharge of up to \$50 on civil and family law filing fees. Funds collected are to cover the costs of the seismic stabilization, construction, and rehabilitation of the Riverside County Courthouse and the Indio Branch Courthouse.
- Government Code section 26826.4 authorizes the Board of Supervisors of San Bernardino County to impose a surcharge not to exceed \$35 on civil filing fees (including family and probate), other than in a limited civil case. Collected funds are to supplement the Courthouse Construction Fund, to be deposited in that fund, and used solely for the purposes authorized for expenditures from that fund.
- Similarly, the Board of Supervisors of the City and County of San Francisco is authorized by Government Code section 76238 to collect a surcharge of up to \$50 on any civil filing fee (including family and probate). Funds are to assist in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings. Collected funds are deposited into the Courthouse Construction Fund.

See Appendix B of the Phase 5 report for details on the Courthouse Construction Fund and civil filing fee surcharges.

Debt Service

Existing annual revenue generated by fees authorized for use for court facilities, and the annual debt service for outstanding bonds funded by those fees, are summarized in the following table.

Table 3G
Existing Debt Service and Debt Funding Sources (\$ Millions)

	Annual Revenues (FY 98/99)	Existing Annual Debt Service (as of 1999)	Percent of Total Annual Debt Service	Uncommit- ted Annual Revenue
Courthouse Construction Fund (CCF)	55.3			
Civil filing fee surcharges (Riverside, San Bernardino, & San Francisco only)	3.1			
Subtotal CCF & civil surcharges	58.4	34.0	35	24.4
Criminal Justice Facilities Construction Fund	64.0	14.0	15	N/A
County general funds	N/A	44.6	47	N/A
Other	N/A	3.3	3	N/A
Total	122.4	95.9	100	24.4

Source: *Task Force on Court Facilities' Survey of County Trial Court Facilities Operations and Maintenance Costs

Excluding the Criminal Justice Facilities Construction Fund, the net annual uncommitted revenue generated from fees for fiscal year 1998-99 totals \$24.4 million. The Criminal Justice Facilities Construction Fund is principally used by counties to fund other justice system facility needs, not courthouse construction. Therefore, the Task Force does not consider this fund to be a realistic or appropriate source of revenue for future court construction. It is, however, an existing source of funding for current debt, for which the fund is already committed.

The amount of funds available for new construction or debt financing will increase over time as debt associated with the Courthouse Construction Fund is retired. Revenue from criminal fine penalties and civil filing surcharges are also likely to grow, commensurate with the increased caseload forecasted in Phase 3 by the Task Force (see Forecasts of Future Need) over the next 20 years. Revenue from penalties and surcharges is projected to increase approximately 1.6 percent per year; at the same rate projected for caseload and judicial positions.

Annual Cost and Funding

Based on existing revenue sources and the funding needs projected earlier, the unfunded cost for existing and needed court facilities can be modeled. The model presented below assumes that as current need is met, leased facilities would be phased out until only 250,000 USF remained. In the future, leased facilities would be used principally for emergency needs or as temporary space during repair or renovation of owned facilities. Therefore, lease payments are projected to decline over the same 10-year period that is recommended for fulfilling current trial court facilities needs. Figure 3H and the accompanying table below illustrate the capital need and facility support costs, together with the total funds available for capital development and for facility support. The table also presents the net annual funding required for each of the selected years. (See Appendix C of the Phase 5 report for more details.)

Figure 3H
ANNUAL COST & FUNDING MODEL
Scenario: Maximum Reuse – Pay-As-You-Go, with Existing Revenues
(\$ Millions)

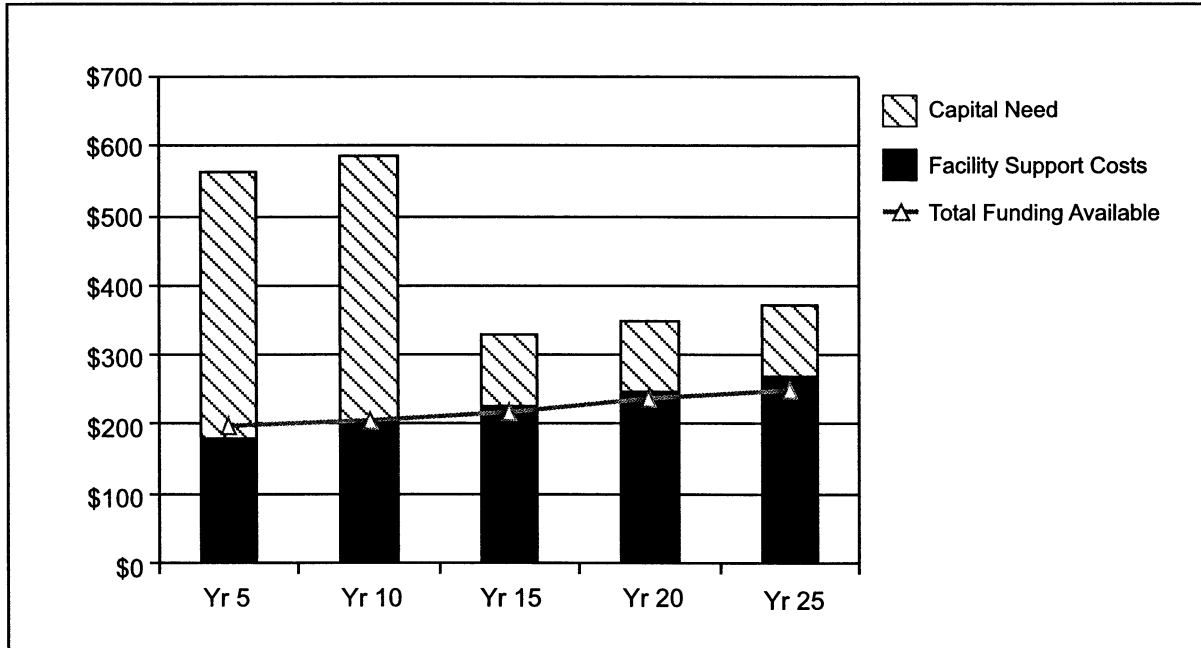


Table 3H
(Data For Figure 3H*)
Annual Cost/Revenues for Selected Years
(\$ Millions)

	Year 5	Year 10	Year 15	Year 20	Year 25
Facilities inventory (USF, in millions)	11.2	13.9	15.8	17.3	18.7
Capital need (current & future)	\$384.6	\$384.6	\$103.8	\$103.8	\$103.8
Facility support costs	\$175.7	\$202.6	\$225.4	\$245.4	\$265.5
Total Funding Required	\$ 560.3	\$587.2	\$329.2	\$349.2	\$369.3
Uncommitted capital revenue from fees	\$ 31.9	\$ 37.8	\$ 50.1	\$ 69.2	\$ 81.7
County general funds committed to court facility maintenance (1999)	<u>\$167.6</u>	<u>\$167.6</u>	<u>\$167.6</u>	<u>\$167.6</u>	<u>\$167.6</u>
Total Funding Available	\$199.5	\$205.4	\$217.7	\$236.8	\$249.3
Net Funding Required	\$360.8	\$381.8	\$111.4	\$112.4	\$120.0

* Values charted in Figure 3H are shown in bold.

Impact of Financing Capital Needs

The above model is based on paying all design, development, and construction costs as they are incurred; so-called pay-as-you-go financing. The bow wave of capital investment needed between years 3 and 12 in the above pay-as-you-go model could be financed through bonds or other financing tools to reduce the annual expenditure. However, the total cost would increase due to the interest cost of borrowing money. The result would be greater funding needs beginning in year 13 and continuing through the 30-year term of financing. Figure 3I and the table that follows illustrate the effect of financing the current capital need for trial court facilities based on a 30-year term and 6.0 percent interest. The analysis did not include financing during construction, bond fees, or other expenses. (See Appendix C of the Phase 5 report for more details.)

Figure 3I
ANNUAL COST & FUNDING MODEL
Scenario: Maximum Reuse
Current Need Is Financed (6.0%, 30 Years), Future Need Is Pay-As-You-Go,
with Existing Revenues
(\$ Millions)

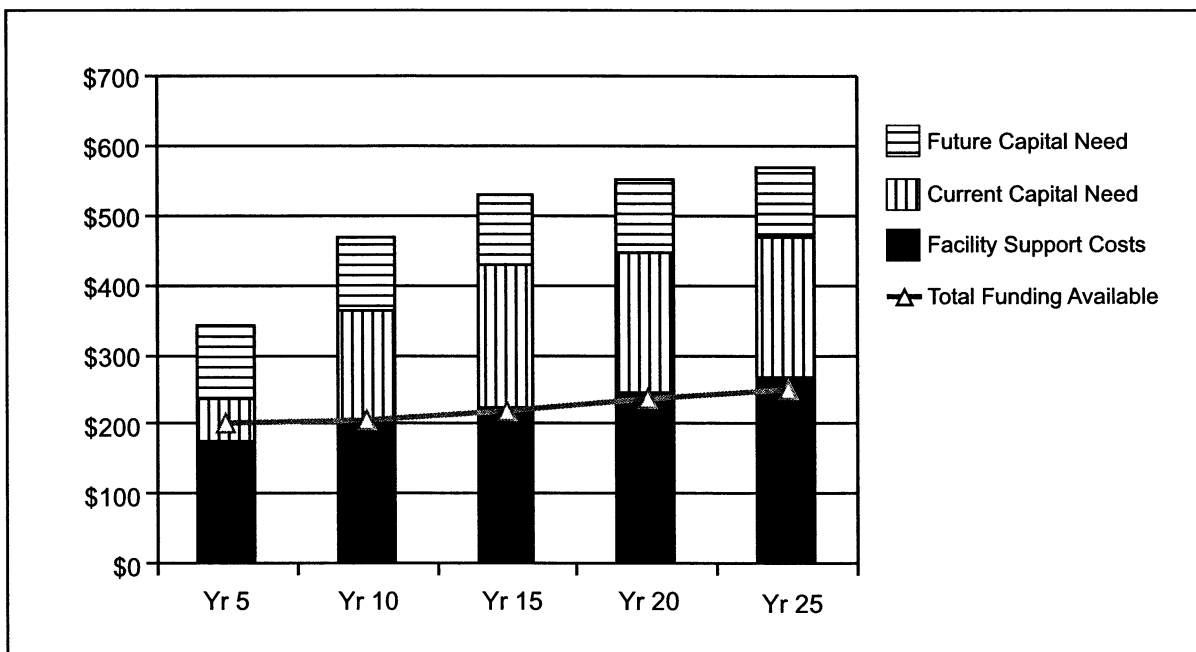


Table 3I
(Data for Figure 3I*)
Annual Cost/Revenues For Selected Years
(\$ Millions)

	Year 5	Year 10	Year 15	Year 20	Year 25
Facilities inventory (USF, in millions)	11.2	13.9	15.8	17.3	18.7
Current capital need – debt service	\$60.6	\$161.6	\$202.0	\$202.0	\$202.0
Future capital need – pay-as-you-go	\$103.8	\$103.8	\$103.8	\$103.8	\$103.8
Facility support costs	\$175.7	\$202.6	\$225.4	\$245.4	\$265.5
Total Funding Required	\$340.1	\$468.0	\$531.2	\$551.2	\$571.3
Uncommitted capital revenue from fees	\$31.9	\$37.8	\$50.1	\$69.2	\$81.7
County general funds committed to court facility maintenance (1999)	<u>\$167.6</u>	<u>\$167.6</u>	<u>\$167.6</u>	<u>\$167.6</u>	<u>\$167.6</u>
Total Funding Available	\$199.5	\$205.4	\$217.7	\$236.8	\$249.3
Net Funding Required	\$140.6	\$262.6	\$313.5	\$314.4	\$322.0

* Values charted in Figure 3I are shown in bold.

Financing of the current need has only a moderate effect on the maximum annual investment, which levels off at approximately \$315 million beginning in year 14 versus pay-as-you go, which peaks at \$388 million in year 12.

Table 3J
Comparison of Net Funding for Select Years
Pay-As-You Go versus Financing Current Need
(\$ Millions)

	Year 5	Year 10	Year 15	Year 20	Year 25
Total net funding (Current capital need financed)	\$140.4	\$262.6	\$313.5	\$314.4	\$322.0
Total net funding (Pay-As-You-Go)	\$360.8	\$381.8	\$111.4	\$112.4	\$120.0

Funding Recommendations

Existing Revenues

County General Fund – Maintenance of Effort

In accordance with its principle of fiscal neutrality, the Task Force recommends that, should facility responsibility be transferred to the state, funds historically spent by counties to maintain existing court facilities be transferred to the state in perpetuity. In so doing, county general funds would continue to fund or offset the management, operations, and maintenance of all existing facilities. To accomplish this, the Task Force recommends that Maintenance of Effort (MOE) obligations be established to transfer county funding that is committed to court facility operations and maintenance to the state. The proposed procedure is similar to the one established by the Act for transferring counties' historical court operations funds to the state. This recommendation is discussed in detail later in this report.

Criminal Fine Penalties and Civil Filing Surcharges

The Task Force recommends that:

- The counties transfer the uncommitted balance of their courthouse construction funds to the state and local court if and when responsibility for trial court facilities transfers to the state. Seventy-five percent of the funds should be transferred to the state, and the remaining 25 percent should be transferred to the local court for local facilities projects. Additionally, the amount deposited into the fund for each \$10 in criminal fines, penalties, and forfeitures should be fixed at the amount in effect on January 1, 1998, as set by resolution of the county's board of supervisors (to include funds deposited from parking assessments). Deposits of future revenue that is not already committed to retiring debt incurred by counties for court construction (prior to transfer of facility responsibility) should also be transferred to the state and local court each quarter, in the same proportions noted above.
- Counties shall be required to account for Courthouse Construction Fund expenditures from January 1, 1998, until the date that transfer of county court facilities is completed. During the transition period from the effective date of the statute transferring court facilities to the state until transfer of facilities is completed in the county, expenditures of not otherwise committed Courthouse Construction Funds shall require approval of the local court and the county. Courthouse Construction funds that were transferred from the fund after January 1, 1998, and used by a county for purposes other than those specified in Government Code section 76100, shall be included in the funds transferred to the state and local courts.
- The Judicial Council develop policy and procedures for expenditure of Courthouse Construction Funds transferred to the local court, and regularly conduct periodic audits of the collection of fees at the local courts.
- The state deposit Courthouse Construction Funds collected from the counties into a fund dedicated to the capital facilities needs of the judicial branch. The Judicial Council should prioritize its capital facilities needs and request project funding through the state's capital outlay process. Projects to be funded with Courthouse Construction Funds deposited with the state should be included in the governor's budget and approved by the legislature. Implementation of approved projects should be subject to control by the state Public Works Board.

- The use of money deposited in the Criminal Justice Facilities Construction Fund, which may be used by counties for courts, should remain at the discretion of the county. This will limit future use of the fund to facility ventures where the county volunteers to apply the funds to court projects that meet county criminal justice needs.
- Time limitations on collections for the Courthouse Construction Fund (Gov. Code §76100, subd. (d)) and the Criminal Justice Facilities Construction Fund (Gov. Code §76102, subd. (c)) be removed.
- Civil filing surcharges collected in Riverside, San Francisco, and San Bernardino Counties continue to be collected by the counties as authorized by the government code. These counties should transfer the uncommitted balance of any money collected from civil filing surcharges to the state if and when responsibility for trial court facilities transfers to the state. Deposits of future revenue not committed to retiring debt incurred by counties for court construction (prior to transfer of facility responsibility) should also be transferred quarterly to the state. Funds collected by the county should be deposited by the state into a dedicated fund for facility projects in the county where the money is collected. The local court, through the Judicial Council, should request project funding through the state's capital outlay process. Requested projects must be in accordance with the government code that authorized collection of the surcharge. Approved projects should be subject to control by the Public Works Board. (If authority to collect civil filing surcharges is extended to all counties, the restriction to use funds only for projects in the county where they are collected should be removed. See discussion of New Revenue Sources below.)

New Revenue Sources

In smaller counties, new court facility construction is an event that occurs only once every few decades. Funding is an extraordinary one-time expenditure that is not part of every annual budget. In larger counties, the need to invest in new court construction or major renovation is constant, and is typically budgeted for annually. If the state assumes trial court facility responsibilities, as recommended by the Task Force, the statewide capital court facilities needs will be continuous, generating a constant need to plan and invest in major construction projects. In order to maintain the level of capital investment identified by the Task Force and necessary to the effective operation of a statewide court system, a consistent and reliable source of revenue must be identified. Under a statewide system, the courts could rely upon state general funds and currently authorized criminal penalties and civil filing surcharges dedicated to courthouse construction. In addition, new revenue sources need to be created. In order to fund the capital investment identified by the Task Force, the additional revenue sources will be needed whether responsibility for court facilities transfers to the state or remains with the counties.

State General Fund

Most California agencies rely on the state's General Fund for both facility operations/maintenance and capital facility needs.

The Task Force recommends that:

- Court facility management, operating, and maintenance costs in excess of the amount collected from the recommended facilities MOE be funded from the state General Fund. Funding requests

should be incorporated into the Judicial Council’s annual trial court budget process and the state’s support budget process.

- Court facility alteration, renovation, and construction projects that are not funded from the Courthouse Construction Funds transferred to the state should be funded from the state General Fund, following the state’s capital outlay budget process.

Criminal Fine Penalties and Civil Filing Surcharges

Currently, the amount collected for the Courthouse Construction Fund, which is set by a county’s board of supervisors, varies from \$0 to \$5 per every \$10 in fines, penalties, and forfeitures imposed for criminal offenses. Only three counties are now authorized to add a surcharge to civil filing fees: Riverside, San Francisco, and San Bernardino.

The Task Force recommends that criminal fine penalties and civil filing surcharges providing revenue for trial court facility construction be standardized in all counties, as follows:

Revise Government Code section 76000 et seq. to prescribe that \$5 per every \$10 in fines, penalties, or forfeitures assessed for criminal offenses be collected in all counties and deposited into the Courthouse Construction Fund. This change should be implemented without affecting the amounts collected by the counties and deposited into other authorized funds. Counties should be exempted from the maximum \$7 assessment per \$10 in fines if necessary to implement this recommendation. The fee increases shall be effective and shall begin to accrue at the local level as of the effective date of the statute.

Revise the government code to require a surcharge of \$50 on civil filing fees in all counties following the San Francisco model (Gov. Code §76238) to be deposited in the Courthouse Construction Fund.

Based on the amount collected in fiscal year 1998-1999, these proposed changes are estimated to add \$120.7 million in annual revenue to the Courthouse Construction Fund, comprised of \$69.8 million from the increased criminal penalty assessment, and \$50.9 million from statewide implementation of civil filing surcharges. The total revenue generated for courthouse construction would be \$179.1 million per year (1999 dollars), rising to a projected \$246.5 million in 20 years.

Figure 3K and the accompanying table illustrate the effect of the proposed revenue increases on the net funding need for the pay-as-you-go model. As illustrated by the graph, once current facilities needs are satisfied—projected to occur after year 12 in the detailed model—the courts’ support costs and capital development requirements could be funded entirely from fees, without dependence on state capital outlay funds. (See Appendix C of the Phase 5 report for more details.)

Figure 3K

ANNUAL COST & FUNDING MODEL

**Scenario: Maximum Reuse – Pay-As-You-Go, with Proposed New Revenue
(\$ Millions)**

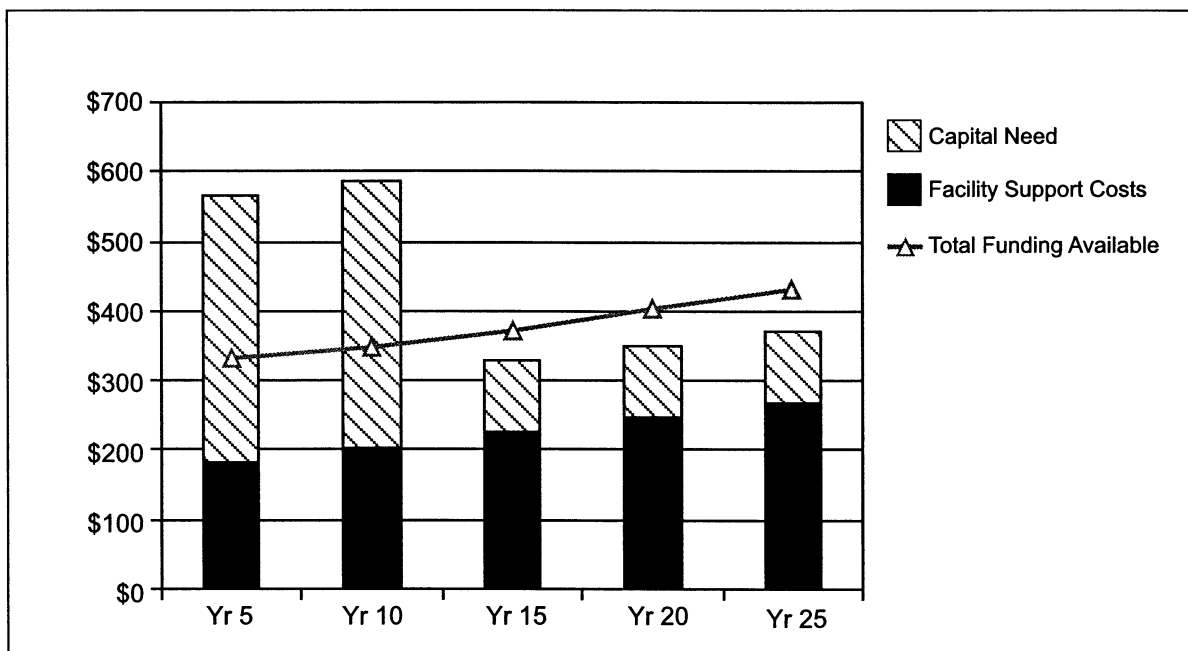


Table 3K

**(Data For Figure 3K*)
Annual Cost/Revenues for Selected Years
(\$ Millions)**

	Year 5	Year 10	Year 15	Year 20	Year 25
Facilities inventory (USF, in millions)	11.2	13.9	15.8	17.3	18.7
Capital need (current & future)	\$384.6	\$384.6	\$103.8	\$103.8	\$103.8
Facility support costs	\$175.7	\$202.6	\$225.4	\$245.4	\$265.5
Total Funding Required	\$560.3	\$587.2	\$329.2	\$349.2	\$369.3
Uncommitted capital revenue from fees	\$163.8	\$180.6	\$204.9	\$236.8	\$263.2
County general funds committed to court facility maintenance (1999)	<u>\$167.6</u>	<u>\$167.6</u>	<u>\$167.6</u>	<u>\$167.6</u>	<u>\$167.6</u>
Total Funding Available	\$331.4	\$348.2	\$372.5	\$404.4	\$430.8
Net Funding Required**	\$228.9	\$238.9	(\$43.3)	(\$55.2)	(\$61.5)

* Values charted in Figure 3K are shown in bold.

** Negative values indicate potential surplus.

Figure 3L and the accompanying table illustrate the effect of financing the current capital need for trial court facilities, based on a 30-year term and 6.0 percent interest, with future capital need pay-as-you-go, together with the proposed increased revenues. Under this scenario, the uncommitted capital revenue from fees, if achieved, could satisfy the debt service on current capital need and offset a substantial portion of the future capital need. However, additional state funds would be needed to fund the balance of the total need.

Figure 3L
ANNUAL COST & FUNDING MODEL
Scenario: Maximum Reuse
Current Need Is Financed (6.0%, 30 Years), Future Need Is Pay-As-You-Go,
with Proposed New Revenue
(\$ Millions)

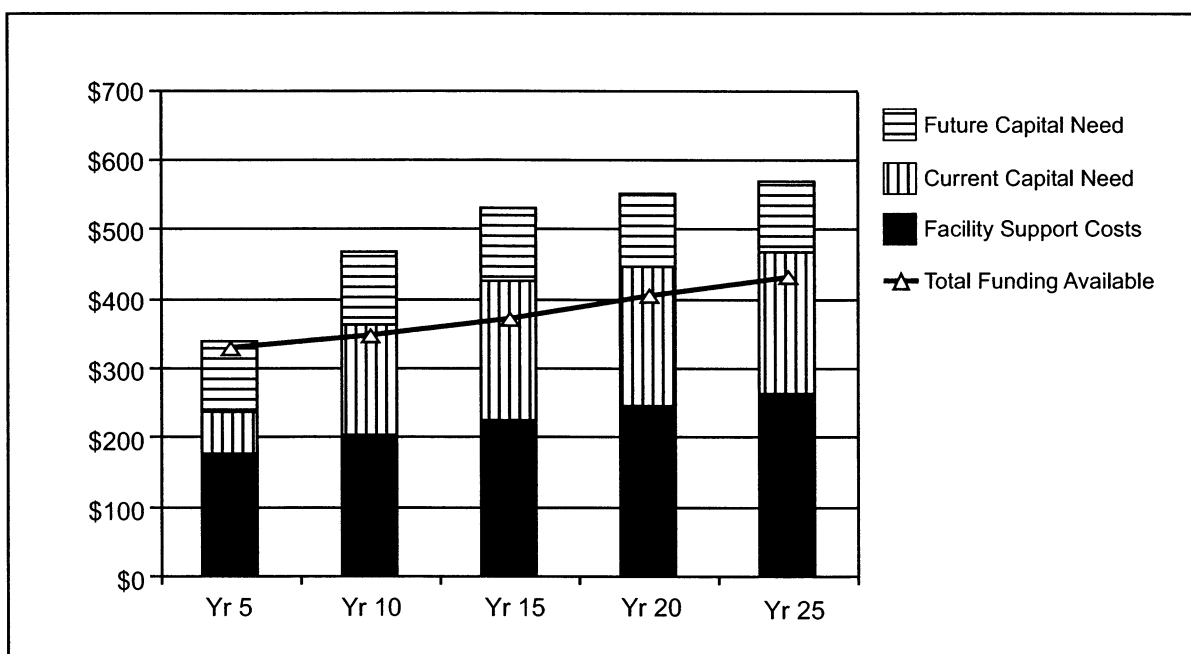


Table 3L
(Data for Figure 3L*)
Annual Cost/Revenues for Selected Years
(\$ Millions)

	Year 5	Year 10	Year 15	Year 20	Year 25
Facilities inventory (USF, in millions)	11.2	13.9	15.8	17.3	18.7
Current capital need – debt service	\$60.6	\$161.6	\$202.0	\$202.0	\$202.0
Future capital need – pay-as-you-go	\$103.8	\$103.8	\$103.8	\$103.8	\$103.8
Facility support costs	<u>\$175.7</u>	<u>\$202.6</u>	<u>\$225.4</u>	<u>\$245.4</u>	<u>\$265.5</u>
Total Funding Required	\$340.1	\$468.0	\$531.2	\$551.2	\$571.3
Uncommitted capital revenue from fees	\$163.8	\$180.6	\$204.9	\$236.8	\$263.2
County general funds committed to court facility maintenance (1999)	<u>\$167.6</u>	<u>\$167.6</u>	<u>\$167.6</u>	<u>\$167.6</u>	<u>\$167.6</u>
Total Funding Available	\$331.4	\$348.2	\$372.5	\$404.4	\$430.8
Net Funding Required	\$8.7	\$119.8	\$158.7	\$146.8	\$140.5

* Values charted in Figure 3L are shown in bold.

Under each scenario—either pay-as-you-go or financing current capital need—the proposed revenue increases will satisfy the goal of establishing a stable and reliable funding source. The following Table 3M compares the net funding required under the two scenarios.

Table 3M
Comparison of Net Funding for Select Years, with Proposed New Revenues
Pay-As-You-Go versus Financing Current Need
(\$ Millions)

	Year 5	Year 10	Year 15	Year 20	Year 25
Total net funding (Current capital need financed)	\$ 8.7	\$ 119.8	\$ 158.7	\$ 146.8	\$ 140.5
Total net funding* (Pay-as-you-go)	\$ 228.9	\$ 238.9	\$ (43.3)	\$ (55.2)	\$ (61.5)

* Negative values indicate potential surplus

Because the courthouse construction revenues are designed exclusively to fund capital development projects, the Task Force recommends that revenues be reviewed and audited regularly and periodically. When the current need is met in the pay-as-you-go scenario, or if available capital funds exceed the total of debt service and future capital need under the financed scenario, the revenues should be reevaluated and the fees adjusted so that they reflect capital budget requirements. As an alternative, legislation could be enacted to allow the collected funds to be used to offset facility support costs.

4 *Transition*

Introduction

This section presents the Task Force's recommendations for transferring responsibility for trial court facilities from the counties to the state. It examines the state's organizational needs for carrying out trial court facilities planning, acquisition, management, and maintenance responsibilities. A transition schedule is also presented.

Short-Term Recommendations

The Task Force recommends that transfer of responsibility for trial court facilities occur over a three-year period, with the counties retaining funding responsibility for existing debt payments, facilities management, and maintenance costs through an MOU with the Judicial Council. The MOU should include an MOE obligation. Court facility responsibility for new judgeships and court employees (associated with those positions authorized after January 1, 1998) should continue to rest with the state. Facility responsibility related to existing judgeships and court employees should remain with each county until transferred to the state under the terms of the MOU. Responsibilities of parties sharing mixed-use buildings should be established by agreement in the MOU.

To transfer responsibility for trial court facilities from the counties to the state, the Judicial Council and local courts will need to organize and staff a transition team. Completing the transfer in three years will be a formidable task. During this period, the Judicial Council must design and staff the transition organization; train staff; develop policies, procedures, and schedules; establish MOE's; negotiate the responsibilities of counties and the state relative to over 400 trial court facilities; and negotiate MOU's with all 58 counties. The Task Force recommends that funding be provided by July 1, 2002, to plan, organize, and staff the transition.

The long-term organization should be designed to assume responsibility for an increasing portfolio of court facilities, as agreements are executed with each county and facilities responsibility is transferred to the state. In addition, the long-term organization should integrate transitional staff as their transitional tasks are completed. Coordinating responsibilities and activities of the long-term and transitional (short-term) organizations will be critical to the successful transfer of responsibility.

Responsibility

The following table outlines the recommended responsibilities of the Judicial Council, local trial courts, and counties in transferring trial court facility responsibility to the state.

Table 4A
Short-Term Responsibilities – Judicial Council, Local Courts, and Counties

Entity	Responsibilities
Judicial Council	<ul style="list-style-type: none">• Organize and staff transition team• Develop policy, procedures, and schedules, including prototype MOUs• Conduct pre-negotiation research and data-gathering regarding facilities in each county• Conduct seismic reviews of trial court facilities• Review counties' MOE's• Participate in negotiations• Review and approve final MOU's.
Local court	<ul style="list-style-type: none">• Organize and staff transition team• Conduct prenegotiation research and data-gathering regarding local facilities• Review County's MOE• Participate in negotiations• Review final MOU
County	<ul style="list-style-type: none">• Provide Judicial Council and local court with copy of facility records, including legal documents such as title, leases, lease assignments, and bonds• Prepare MOE cost submittal pursuant to DOF instructions and provide Judicial Council with supporting documentation regarding facility operations, maintenance, and leases• Provide Judicial Council with proposed MOU that includes the disposition of each court facility (e.g., transfer title to state, county retain ownership with court occupying a specified area, etc.)• Participate in negotiations• Ensure that capital projects that are in design or construction (pipeline projects) are completed in accordance with contract documents• Operate and maintain trial court facilities until responsibility transfers to the state under the terms of the negotiated MOU• Review and approve final MOU

Implementation Steps

General Transfer Principles

1. The state shall ultimately be fully responsible for all court facilities, including providing facilities for current and future judgeships, subordinate judicial officers, and court employees.
2. Responsibility for providing court facilities for new judgeships and court employees associated with those positions authorized after July 1, 2001, shall continue to rest with the state.
3. Responsibility for providing and maintaining court facilities (Gov. Code §68073), including complying with the Americans with Disabilities Act, shall remain with each county until transferred to the state.
4. The Judicial Council shall represent the state in the construction, acquisition, and management of all court facilities, except as set forth in enabling legislation.
5. Responsibilities of parties sharing mixed-use buildings shall be established by agreement.

Maintaining the Flow of Projects during Transition

The Task Force believes that a program of financial incentives is an important step that will facilitate and encourage counties to continue the development of court facility projects during the period prior to the enactment of trial court facility legislation, and extending from the effective date of such legislation until the transfer of responsibility for court facilities to the state. Therefore, the Task Force recommends urgency legislation be enacted to provide an incentive program in the form of future state reimbursement of county general fund expenditures for pre-approved projects, and subject to the enactment of trial court facilities legislation. The specifics of the Task Force's incentive plan are as follows:

1. The incentive program should be enacted as urgency legislation.
2. The incentive program shall provide for state reimbursement of county general fund expenditures relating to pre-approved court facilities projects. To be eligible for reimbursement, counties must obtain prior written approval for their proposed projects from the Judicial Council and the Department of Finance.
3. The Judicial Council and the Department of Finance shall establish, in a timely fashion, written guidelines and procedural requirements for counties requesting project reimbursement. The Judicial Council shall review and prioritize all county requests and forward them to the Department of Finance for its review and final approval. Following written approval by the Judicial Council and the Department of Finance, and appropriation of funds by the Legislature, counties shall be reimbursed for court facility capital projects in accordance with the rules outlined above.
4. Upon enactment of legislation that provides for the transfer of responsibility for court facilities to the state, county general fund expenditures for pre-approved court facilities projects shall be reimbursed by the state, pursuant to the requirements included in #3, above. Should no court facility transfer legislation be enacted, no reimbursement shall be made to counties.

5. Eligibility for project reimbursement shall extend from January 1, 2001, until the effective date of the MOU between the Judicial Council and the respective county.
6. Eligible project costs shall only include the cost of elements or phases funded by county general funds.
7. Any county general funds expended or committed prior to January 1, 2001, for a court facility project, or any phase or element thereof, shall not be reimbursed. For these purposes, “committed” is defined as county general fund monies allocated, approved, appropriated, or committed by resolution or ordinance of a county board of supervisors.

Fiscal Neutrality

1. The responsibility for court facilities should transfer to the state without any fiscal gain or loss to either the counties or the state at the time of transfer.
2. Responsibility for funding existing debt on facilities shall remain with each county until the debt is retired, either directly or by transferring the revenue stream and debt to the state. Once the debt is retired, all non-Courthouse Construction Fund revenues will revert to the county.
3. If title transfers, it shall do so without payment for capitalized value of buildings and the land associated with those buildings. Determination of appraised value shall not be necessary as a condition of transfer.
4. Facility operations and maintenance costs shall continue to be funded by each county through an MOE with the state. Facility operations and maintenance costs shall be defined by enabling legislation, which shall take into account the specific recommendations made by the Task Force relative to this issue.
5. Revenue generated for Courthouse Construction Funds will transfer from each county to the state, less any funds obligated to debt service, to the extent that such debt remains with that county. Should the debt transfer to the state, the corollary debt service revenue stream shall also transfer to the state.

Negotiation Principles and Guidelines

General Negotiation Principles

1. All counties shall transfer the responsibility for court facilities to the state, subject to the MOU between the Judicial Council and each county.
2. It is critical to expedite the transfer of responsibility for court facilities to the state.
3. The state shall not hold the counties liable for deferred maintenance that existed at the time responsibility for facilities is transferred, and for which no funds were committed to address such maintenance requirements.
4. Funds will continue to be deposited into the Courthouse Construction Fund based on the formula adopted by a county’s board of supervisors and in effect on January 1, 1998. On the date agreed to in the MOU, 75 percent of the uncommitted balance in a county’s Courthouse Construction Fund shall be transferred to the state, with 25 percent remaining with the local court where the funds were collected. Future uncommitted Courthouse Construction Fund revenue will also be

transferred to the state and local court in the same proportion, in perpetuity. Courthouse construction funds transferred to local courts will be used for facilities projects, in accordance with policies and procedures adopted by the Judicial Council and state law.

Transferring Responsibility

1. Negotiations between the Judicial Council and each county regarding the transfer of responsibility for court facilities must be completed within three years after legislation implementing the Task Force's recommendations becomes effective.
2. The Judicial Council, in consultation with the local courts, shall negotiate with the counties on a building-by-building basis to determine the optimal way to provide court facilities in each county.
3. The state Public Works Board shall be the final arbiter in any disputes between the Judicial Council and a county during the negotiations.
4. Except and to the extent a court facility is encumbered by bonds, lease, installment purchase, or other debt obligation, both the county and the Judicial Council are entitled to equity in court facilities, based on the respective proportional use of area by the courts and by non-court county functions at the time the MOU is implemented, regardless of which entity holds title to the facility. Unless title to an encumbered court facility is transferred to the state, the state shall have no equity or other ownership rights to such facility. In no event, however, shall the county sell, assign, or transfer any rights to such court facility, or otherwise take any steps to place further encumbrances on the facility, other than those contained in the legal documents establishing the encumbrance. Upon termination or other release of the encumbrance, the state shall immediately obtain equity rights in the facility. If, during the period of encumbrance, the state is required to vacate the facility through the operation or enforcement of the legal documents establishing the encumbrance, the county shall be responsible for providing the state with suitable and necessary court facilities at least equal to those occupied by the state immediately before the state was compelled to vacate the facility.

Acceptance of Facility by the State

In connection with its recommendation that the state shall ultimately be responsible for court facilities, the Task Force recommends that responsibility for all existing court facilities currently being used for court functions be transferred to the state, except for facilities satisfying the criteria below.

The state may reject a court facility if a significant threat to the life, health, or safety of the public or persons occupying the facility exists—including seismically hazardous conditions constituting either an “imminent risk” (level VII), “extensive but not imminent risk” (level VI), or “substantial risk” (level V)—or functional deficiencies that in their totality are significant.³

³ Risk Acceptability Table, State Building Seismic Program, Report & Recommendations, Division of the State Architect, April 1994, page II-2.

A licensed structural engineer utilizing the evaluation program and criteria established by the Department of General Services Real Estate Services Division shall evaluate any buildings built under building codes prior to the 1988 Uniform Building Code, unless previously upgraded for seismic risk. These seismic evaluations shall be funded by the state and completed prior to completion of the negotiations between the Judicial Council and each county concerning the disposition of affected buildings.

A county may appeal the rejection of a building to the state Public Works Board. For the purpose of hearing an appeal, the Task Force recommends the board be augmented by the addition of two voting members, one representing the counties and one representing the courts. The state shall have the burden of proof to justify the rejection of a court facility. If rejection of a facility is upheld, a county shall be responsible for providing necessary and suitable court facilities, as required by Government Code section 68073 as that section read on July 1, 2000.

Historic Facilities

Recognizing that historic facilities represent uniquely valuable community resources, the Task Force recommends that no historic facility be transferred to the state without the express approval of the county's Board of Supervisors. Historically significant facilities may or may not transfer, but must be made available to the state for court use; however, the county may, with the agreement of the local court, opt to provide suitable and adequate court facilities in an alternative facility. Facilities considered "historic" shall either be registered on the state or federal historic register (pursuant to Health & Saf. Code, §18950, and 16 U.S.C., §470(a)) or be eligible for inclusion on either register.

Space Utilization

The use of any space occupied by the county or the local court shall be compatible with the facility, and such use shall not substantially deteriorate or diminish the ability of either the county or the local court to use the remaining spaces effectively.

Mixed-Use Buildings

1. The assignment of responsibility for court facilities may be accomplished either by the state holding fee title or entering into a lease agreement with a county or a private landlord or any other mutually agreed to mechanism.
2. Each county and the state shall have equity rights to the space occupied by the county and the local court, respectively, regardless of which party holds title.
3. Neither the Judicial Council nor the county shall charge each other rent for space that either the county or the courts occupies at the time the MOU is executed. Costs associated with additional space shall be paid by the agency desiring more space.
4. In the case of mixed-use buildings, the state and the county shall be responsible for the operations and maintenance costs associated with their proportional shares of the building. The county shall also be responsible for furnishing its payments to the state for operations and maintenance under the terms of its MOE for the court's share of the building, unless otherwise mutually agreed by the parties.

5. The sale of property is permissible, regardless of which party holds title. If a party occupies 80 percent or more of a mixed-use space, such majority occupant shall have the option to require that the minority occupant (occupying 20 percent or less of the facility) vacate the premises, so long as reasonable notice is given. If a majority occupant requires a minority occupant to vacate a court facility, the majority occupant shall compensate the minority occupant for its equity in the facility and for relocation costs at a fair market rate.

Projects in Development

1. Any county funds or property that have been allocated, approved, appropriated, or committed for a court facility project by a county board of supervisors, by resolution or ordinance, shall remain committed to that project.
2. The Judicial Council reserves the right to require a county to complete a project in the design or construction phase prior to its transfer to the state.
3. The Judicial Council may negotiate with the county to implement design changes related to a court facility project, to the degree that the design changes do not increase the cost of the project to the county.

Facility Sale or Transfer

1. The state reserves the right to dispose of surplus property when title for the property transfers to the state. Prior to disposing of any court facility that was previously the responsibility of a county, the state shall comply with the requirements of Government Code section 11011.5 et seq.
2. Prior to the state making a decision to sell, lease, or otherwise dispose of a court facility transferred from a county to the state, it shall consult and discuss the potential sale, lease, or disposition with the affected county. The state shall also consider whether the potential new or planned use of the facility
 - Is compatible with the use of other adjacent public buildings
 - Would unreasonably depart from the historic or local character of the surrounding property or local community
 - Would have a negative impact on the local community
 - Would unreasonably interfere with other governmental agencies that use or are located in or adjacent to the court facility
 - Is of sufficient benefit to outweigh a public good in maintaining it as a court facility or site

Negotiation Process

Procedures

The Task Force recommends that the California State Association of Counties and the Judicial Council, in consultation with local trial courts and county governments, develop detailed procedures for transferring responsibility for trial court facilities to the state.

Maintenance of Effort (MOE) Agreement

An MOE shall establish each county's annual financial obligation to the state with respect to court facilities. The MOE shall be determined by calculating the cost of facility maintenance items, as outlined below. Items that have relatively stable costs are averaged over five years and adjusted to account for inflation to the date of transfer. Other costs such as lease payments are calculated differently to recognize the unique nature of the expenditure.

The "five-year average" means the average of fiscal years 1995–96 through 1999–2000, with each year adjusted to account for inflation up to the date of transfer. Costs shall be based on actual county expenditures for those items listed in Table 4B. Exclusions include land, buildings, capital expenditures, and betterments (as defined by the State Administrative Manual [SAM]), as well as parking provided in separate structures not dedicated solely to court use.

Facility management and administration costs directly or indirectly associated with trial court facilities such as management, supervision, planning, design, department administration, payroll, finance, procurement and program management are included in the MOE. The MOE calculation will use the five-year average cost of these functions, as defined above.

Repair and maintenance projects are included in the MOE and are defined in SAM as those projects that "continue the usability of a facility at its designed level of services." Maintenance includes any expenditures for deferred maintenance. Any non-maintenance projects (i.e., capital projects), including betterments as defined in SAM, are not included in the MOE.

Lease payments shall be included in the calculation of the MOE. The goal is to transfer resources that currently provide for a facility. Therefore, the calculation of the amount to be extended indefinitely shall be based on the obligations stated in the lease. To ensure sufficient resources to cover the obligations assumed by the state, the calculation of the MOE shall include any contractual increases in the years that they are effective in the lease, instead of a five-year average. Years following the end of the lease shall be computed at the same rate as is applied to the last year of the lease.

The Department of Finance shall provide counties with instructions for calculating the actual MOE amount by using the average of the following three indices from the Bureau of Labor Statistics Producer Price Index: (1) building cleaning and maintenance services (Series Id PCU 7349); (2) operators and lessors of nonresidential buildings (Series Id PCU 6512); and (3) maintenance and repair construction (Series Id PCU BMRP). Each of the five years of cost data shall be adjusted using the combined index to ensure that all cost items are brought up to the value of those items in the year a facility transfers to the state. The adjusted amounts will then be averaged to determine the amount of the facilities' MOE. Prior to beginning negotiations, each county shall provide the Department of Finance, the Judicial Council, and the local court with actual expenditures, adjusted in accordance with the Department of Finance instructions, for the cost elements listed on the following Table 4B for the specified fiscal years. The reported expenditures and indexed calculations shall be certified by the county auditor.

The MOE shall not include any expenditure related to a facility not accepted by the state or the portion of any court facility for which the county retains responsibility. In no event shall the MOE be payable by a county prior to the county and the Judicial Council entering into an MOU with respect to court facilities in that county. The MOU between the Judicial Council and each county shall include the amount of the MOE.

A county may submit a declaration to the Department of Finance, no later than 30 days after it receives notice of the proposed MOE, that declares that (a) the court-related facility expenditure data reported are incorrect, and the incorrect report resulted in the amount the county is required to submit to the state being too high; (b) the amount the county is required to submit to the state pursuant to the proposed MOE includes amounts that were specifically appropriated, funded, and expended by a county to fund extraordinary one-time expenditures for court-related facility costs; or (c) the amount the county is required to submit to the state pursuant to the proposed MOE includes expenses that were funded from grants or subventions, from any source, for court-related facilities, that could not have been funded without those grants or subventions being available. Periodic major facility repair or maintenance, such as re-roofing or replacement of major system components (e.g., an air conditioning chiller unit), is not considered an extraordinary one-time expenditure. Examples of extraordinary one-time expenditures include abatement of asbestos and structural changes to seismically upgrade a building. A county submitting that declaration shall concurrently transmit a copy of the declaration to the Judicial Council and the local court, which shall have the opportunity to comment to the Department of Finance on the validity of the statements in the declaration. Upon receipt of the declaration and comments, if any, the Department of Finance shall determine which costs identified in the county's declaration were incorrectly reported as court-related facility costs, were expended for extraordinary one-time expenditures, or were funded from grants or subventions. The Department of Finance will then make the appropriate reductions in the amount that a county must submit to the state. If a county disagrees with the Department of Finance's determination, the county may request that the Controller conduct an audit to verify the facts in the county's declaration. The Controller shall conduct the requested audit, which shall be at the requesting county's expense. If the Controller's audit verifies the facts in the county's declaration, the department shall reduce the amount the county is required to submit to the state pursuant to the proposed MOE by an amount equal to the amount verified by the Controller's audit, and the state shall reimburse the requesting county for the cost of the audit.

A court may submit a declaration to the Department of Finance, no later than 30 days after it receives notice of the proposed MOE, that the county failed to report county court facilities operations, maintenance, or administration costs, and that this failure inappropriately reduced the amount the county is required to submit to the state. A court submitting that declaration shall concurrently transmit a copy of the declaration to the county and the Judicial Council. A county shall have the opportunity to comment to the Department of Finance on the validity of statements in the declaration. Upon receipt of the declaration and comments, if any, the Department of Finance shall determine which costs identified in the court's declaration were not reported by the county as court-related facility costs. The Department of Finance will then make the appropriate increase in the amount that a county must submit to the state. If a court disagrees with the Department of Finance's determination, the court, with concurrence of the Judicial Council, may request that the Controller conduct an audit to verify the facts in the county's declaration. The Controller shall conduct the requested audit, which shall be at the requesting court's expense. If the Controller's audit verifies the facts in the court's declaration, the Department of Finance shall increase the amount the county is required to submit to the state pursuant to the proposed MOE by an amount equal to the amount verified by the Controller's audit, and the county shall reimburse the requesting court for the cost of the audit.

Table 4B
MOE Cost Types and Associated Calculations

Element	Calculation	Additional Conditions
1. Facilities management and administration	Five-year average	
2. Purchase of land and buildings	N/A	
3. Construction and construction services	N/A	
4. Space rental/lease (except storage for court records)	In the MOE at rate specified in lease agreement. The allocation is a permanent element of the MOE.	.
5. Building maintenance and repairs	Five-year average	Defined by SAM
6. Betterment	May be in MOE if the betterment "continues the usability of a facility at its designed level of services." Calculated at the five-year average.	Defined by SAM
7. Purchase, installation, and maintenance of HVAC equipment	Five-year average	
8. Elevator purchase and maintenance	Five-year average	
9. Landscaping and grounds maintenance services	Five-year average	For mixed-use buildings, prorate portion of property equal to portion of court spaces within the overall complex
10a. Maintenance of parking dedicated to courts	Five-year average	
10b. Maintenance of parking for the general public that may be used by courts	N/A	Provision for continuing future use shall be included in MOU
11a. Maintenance of juror parking dedicated to courts	Five-year average	Use of parking space and the cost of maintenance may be included in the MOU
11b. Maintenance of juror parking which is general public parking that may be used by courts	N/A	Provision for continuing future use shall be included in the MOU
12. Depreciation of building	N/A	
13. Insurance on building	Last year of five-year period adjusted for inflation to the year of transfer	In proportion to court spaces, excluding the costs of excess insurance required by bonded indebtedness agreements
14. Grounds liability insurance	Last year of five-year period adjusted for inflation to the year of transfer	In proportion to court spaces
15. Utility use charges	Consumption average for five years multiplied by last years rate adjusted for inflation to the year of transfer	
16. Maintenance and repair of utilities	Five-year average	
17. Maintenance of exterior lighting and security equipment	Five-year average	

Memorandum of Understanding (MOU)

The Judicial Council, in consultation with the local courts, shall represent the state in negotiations with counties regarding the transfer of facilities responsibility from the counties to the state. The negotiations with each county shall be concluded with an MOU specifying the rights and obligations of the state and county relative to the transferred property, including responsibilities for liability arising from facility use, as well as any mutually agreed conditions or procedures for the ongoing administration of the property. Issues regarding occupancy and use of space within a mixed-use building shall be agreed upon by the Judicial Council and each county, and shall be spelled out in an MOU. Upon completion of the MOU, the Judicial Council shall have the ongoing responsibility for providing court facilities in that county, pursuant to the terms of the MOU. In carrying out this responsibility, the Judicial Council will comply with all state laws and regulations governing the state's capital outlay and support budgets. Capital outlay projects included in the Governor's budget will be executed under the oversight of the state Public Works Board or other administrative body established by law for this purpose. Facility service agreements (e.g., facilities planning, engineering, design, maintenance, repair, and construction) may be negotiated between the Judicial Council and the counties, and included in the MOU.

Title and Support Documents

After negotiations are completed and the MOU is signed, the Judicial Council and counties should expeditiously process and execute any required legal documents, such as title to real property and assignment of leases.

Negotiation Outcomes

There are a variety of capital asset ownership and management options available to the Judicial Council and the counties as outcomes of the negotiations. The following table outlines some of those options:

Table 4C
Ownership Options Available for Court Facilities

Occupancy Status	Ownership Model
Single-purpose court facility (non-encumbered)	<ul style="list-style-type: none">• State holds title and occupies all of the building
Joint-use building Title held by the county	<ul style="list-style-type: none">• County owns and enters into an agreement with the Judicial Council and local court for the use of space.• Court is entitled to use space indefinitely and rent-free as agreed in the MOU.
Joint-use building Title held by the state	<ul style="list-style-type: none">• State owns and enters into an agreement with the county for use of space.• County is entitled to use space indefinitely and rent-free as agreed in MOU.

Joint-use building

- Shared owners with shared responsibilities

Shared title

Private landlord

- Title remains with owner. County and owner assign lease to the state. Court occupies building in accordance with terms of the lease.

Single purpose or mixed-use

Transition Schedule

The Task Force recommends that the transfer of responsibility for trial court facilities from the counties to the state be conducted according to the following schedule:

Table 4D
Proposed Timeline for Transition

Date	Activity
October 1, 2001	<ul style="list-style-type: none"> • Task Force issues its final report.
October 2001 to September 2002	<ul style="list-style-type: none"> • Bill is enacted transferring responsibility for trial court facilities to the state. • Initial transition funded. • Judicial Council develops long-term and transitional organizations.
July 2002 to January 2003	<ul style="list-style-type: none"> • Judicial Council and local courts fill key staff positions in new facilities organization.
January 2003	<ul style="list-style-type: none"> • Law transferring facilities responsibility to the courts takes effect.
January 2003 to December 2005	<ul style="list-style-type: none"> • Negotiations between the Judicial Council and the counties occur. • Trial court facility responsibility transfers to state, county by county or facility by facility, in accordance with terms of the negotiated MOU.
January 1, 2006	<ul style="list-style-type: none"> • Transfer of trial court facility responsibility to the state is completed.

Long-Term Organizational Recommendations

Responsibility

There are several state agencies that have direct responsibility for facilities, including the Department of Corrections, University of California, California State University, and the Department of General Services. Corrections and the universities are only responsible and accountable for facilities that directly support their primary mission. The Department of General Services' Real Estate Services Division is the only state agency whose principal mission is providing facilities and associated services to other state agencies. The Judicial Council currently relies on the Department of General Services to provide space for the Administrative Office of the Courts, the Supreme Court, and the District Courts of Appeal. The Judicial Council is responsible for appellate and trial court programs and operations, but currently has minimal in-house facility responsibility and capability.

There are two possible choices as to where to vest responsibility for trial court facilities should they transfer to the state: Department of General Services' Real Estate Services Division, or the Judicial Council. Either agency would have to create capacity, hire staff, and develop policy and procedures for acquiring and managing trial court facilities.

Trial courts occupy 9.0 million USF of space in county-owned facilities. This equates to approximately 11.3 million gross square feet (GSF), which was estimated by adding a 25 percent adjustment factor to usable square feet for common space in the building, such as public lobbies, corridors, elevators, and restrooms. The courts also occupy 1.1 million USF of leased space. Most are in facilities shared with other county agencies. Trial court facilities are located in all 58 California counties, and range from small rural facilities to large multistory courthouses in urban cores. Currently, Department of General Services is entirely responsible for 8.5 million GSF of state-owned facilities and provides selected services to another 12 million GSF. It also leases an additional 21 million rentable square feet of office facilities. Adding trial court facilities to the Department of General Services' property portfolio would more than double the amount of owned facilities for which it would be wholly responsible. It would require a dramatic increase of both management and staff and, undoubtedly, a reorganization to reflect the unique nature and geographic distribution of trial court facilities. The courts would, by far, be their largest customer.

The Judicial Council currently has only ten staff members who develop facilities plans and represent the interests of Administrative Office of the Courts and the appellate courts with the Real Estate Services Division. Like the Department of General Services, the Judicial Council and local courts would have to develop and staff a facilities organization and promulgate policy and procedure to assume the responsibility for trial court facilities. If facilities responsibility for trial courts were vested in the Judicial Council, it would be wholly responsible for trial court operations and the facilities that directly support court operations.

The Task Force recommends that the Judicial Council be given responsibility for all California court facilities, including trial court facilities. As a separate and coequal branch of state government, the judiciary maintains its autonomy and is wholly responsible for its programs and the infrastructure that supports them. Extending the Judicial Council's responsibility to court facilities recognizes the judicial branch's autonomy and makes it wholly responsible and accountable for the state's court system, including facilities. Additionally, the Judicial Council would have the authority to manage facility planning, acquisition, and management programs like other large state agencies.

The Task Force also recommends that the Judicial Council and local courts, with the advice and counsel of the state Departments of Finance and General Services, develop the organizational structure, staffing, and capacity necessary for transferring trial court facility responsibility, and for the long-term management of their court facilities. The Judicial Council should promulgate policy and procedures for ensuring that the courts have adequate and sufficient facilities, specifically establishing facilities planning, acquisition, operations, and maintenance programs. The planning process developed for court facilities should involve consultation and coordination with the counties and justice agencies.

Organizational Structure

Based on the broad concepts outlined in this section, the Judicial Council—working in cooperation with the Department of Finance, the Department of General Services, and the local trial courts—should develop long-term facility organizational and staffing needs. In so doing, it should consider the following:

- Which facility management functions are best handled centrally, regionally, or locally.
- The benefits of using in-house staff versus contracting with the counties, the Department of General Services, or other providers.
- That facilities planning, acquisition (e.g., design, land purchase, construction, leasing), and facility operations and maintenance will grow as facility responsibilities are transferred to the state, and will continue to grow as new facilities are built.
- How to build long-term organizational capacity while simultaneously carrying out one-time tasks necessary for the successful transition of responsibility for court facilities from the counties to the state.
- Establishing operating policy and procedures and adequately staffing both long-term and short-term activities critical for the successful transfer of facilities responsibilities.

The following table outlines recommended facility roles for the state, the Judicial Council, local trial courts, and counties under a new statewide court facility system.

Table 4E
Recommended Long-term Responsibilities for Statewide Court Facilities System

Entity	Responsibilities
Governor	<ul style="list-style-type: none"> • Propose budget • Approve budget
Legislature	<ul style="list-style-type: none"> • Review governor's budget • Pass budget act
Department of Finance	<ul style="list-style-type: none"> • Review five-year court facility plans • Review proposed state-funded capital outlay projects • Develop proposals for inclusion in governor's annual budget
Public Works Board	<ul style="list-style-type: none"> • Monitor and control funding for state capital outlay (construction) projects
Judicial Council	<ul style="list-style-type: none"> • Planning (strategic, master, and five-year capital facility planning) • Advocate facilities needs to state financial and legislative decision makers • Allocate approved funds • Facility development (including real property acquisition and disposal, project planning, design, and construction for renovated, expanded or new court facilities) • Facility management (operation/maintenance oversight, inspection, major repairs, space utilization management, legal, and administration) • Facility guidelines (including promulgation, updating, and enforcement) • Manage mixed-use facilities as required by MOU with the county • Capital asset program management – statewide • Review, prioritize, and approve facility proposals and prepare funding requests
Local court	<ul style="list-style-type: none"> • Facility management, operations and maintenance • Major maintenance and repairs, when approved by the Judicial Council • Assessment of local need • Siting recommendations • Minor capital improvements, within prescribed policies and procedures • Capital asset management – local
Shared – Judicial Council and local court	<ul style="list-style-type: none"> • Selecting and contracting for facility consultants • Architectural program and design review • Preparation of five-year capital facilities plan • Major maintenance
County	<ul style="list-style-type: none"> • Continue funding of non-rule 810 facilities maintenance-related expenses and costs through MOE with the state • Manage mixed-use facilities that do not transfer in accordance with the MOU • Siting recommendations for new court facilities • Provide facility services to local courts in accordance with the MOU (may be reimbursable to the county)

Budget Process Recommendations

Operation and maintenance funds are included in the Governor's annual support budget, which reflects needs submitted by the state agencies to the Department of Finance. Working from the Governor's budget, the Legislature appropriates money through the annual budget act. A similar process, the annual capital outlay budget, is used for funding construction projects. Both processes are very competitive because of the state's mandate to be prudent stewards of taxpayers' money and the fact that budget requests far exceed available funding. The Task Force recommends the following:

Capital Outlay

- Courthouse Construction Funds transferred to the state should be placed in an account dedicated to the capital facilities needs of the judicial branch.
- Court facility alteration, renovation, and construction projects that are not funded from Courthouse Construction Funds should be funded from the state General Fund.
- Projects funded by either courthouse construction or state general funds should follow the state's capital outlay budget process. Judicial Council responsibilities should include the following:
 - Planning capital facilities projects in consultation with the trial courts
 - Reviewing, prioritizing and approving projects
 - Preparing and submitting funding requests to the Department of Finance
 - Control over the design, bid, award, and construction of all capital facilities projects
- Capital outlay court facility projects should be subject to the State Public Works Board review and control, whether funded by Courthouse Construction Funds or State General Funds. The Task Force recommends that the Public Works Board be authorized to delegate— at its discretion— to the Judicial Council the review and approval of court facility projects.
- For minor capital outlay projects (less than \$400,000 each) the Judicial Council should submit a project list to the Department of Finance for inclusion in the Governor's budget. After funds are appropriated through the budget act, the Judicial Council should have the authority to allocate funds to courts for specific projects, with the flexibility to transfer funds between projects (provided the total authorized amount is not exceeded).
- The Judicial Council should also prescribe policies and procedures for the use of Courthouse Construction Funds that remain with the local court.

Operations, Maintenance, and Administration

The principal source of funding for operations and maintenance of existing facilities should be county funds transferred to the state through MOE agreements. MOE funds should be transferred to the state and deposited into the state General Fund. Funds for operating, maintaining, and administering court facilities should be reallocated to the trial courts to establish their facilities budget base. Future increases to the facilities budget base should be requested through the annual support budget process, and funded from the state General Fund. The Judicial Council should review all facility operations funding requests in conjunction with other trial court operational needs.

Appendix A: Options for Mitigation of Space Needs

Introduction

The last thirty years or so have seen dramatic technological innovations that have brought improvements in both efficiencies and effectiveness in organizations and institutions. Because of the future demands projected on California's court system, both the opportunity and the obligation exist to utilize these innovations, as well as other revised practices, to enable the courts to do more with less.

Many innovations are being implemented in a wide variety of courts around the state and beyond. These include fuller use of electronic information systems for filing and tracking suits, dispensing information on court procedures and processes, storing or archiving information, conducting purchasing and human resources administrative obligations and, through video conferencing, holding arraignments and a wide variety of hearings or other appearances. Additionally, more efficient use of staff, through contracting out, or outsourcing, and more effective use of facilities, such as varying the construction of courtrooms to more specific uses, offer a range of opportunities to achieve more out of our budgets and our facilities.

The Task Force on Court Facilities considered those ideas which should bear the most fruit in mitigating the amount of space needed to perform court-related tasks better. Also considered, but not included here, were a number of concepts, ideas and technologies that would be worthwhile, but do not necessarily mitigate space in the courthouse and thus exceeded the scope of the Task Force's charge.

The information summarized in this appendix was developed by the Space Mitigation Working Group, established by the Task Force, and by a consultant to the Task Force and is presented in greater detail in two reports. The Space Mitigation Working Group Report provides details on the options for reducing the amount of space needed for the courts and the Space Mitigation Cost Analysis Report provides detailed estimates of the associated space and cost savings.

Charge as Derived from the Lockyer-Isenberg Trial Court Funding Act (AB233)

The Lockyer-Isenberg Trial Court Funding Act of 1997 (AB233) as amended by AB1935, Section 77653.(f) requires that the Task Force "review and recommend operation changes which may mitigate the need for additional court facilities, including the implementation of methods to more fully utilize existing facilities."

Goals and Objectives

- Identify operational changes that may reduce current or mitigate future space requirements.
- Evaluate the cost impact of identified changes on court operations, facility operations, maintenance and capital requirements.
- Evaluate the impact on the delivery of services to the court's customers.
- Identify issues that support or impede implementation of identified changes, such as technology and political issues.

- Assess probability of implementing identified changes.
- Develop implementation recommendations and strategies.

Summary of Recommendations and Options

Some thirty proposals or innovations which could mitigate space in existing or newly-built courthouses were considered and evaluated. Of these, fourteen proposals believed to be most productive were selected for detailed review and are briefly described below. The potential space reduction and associated cost savings are presented in a table following the descriptions. (The fourteen options are described in more detail in the Space Mitigation Working Group Report and the numbering used below corresponds to that of the report.)

I.A.1. Video Conferencing for Arraignments and Other Pre-Trial Proceedings

Using technology for pre-trial proceedings can reduce costs by decreasing travel time to the court, foot traffic in the court, holding facility requirements at the court.

I.B.1. Electronic Information Services – Lexis/Westlaw/Westmate

Electronic legal research can reduce the size of libraries within the courthouse while still providing access to required materials and data.

I.B.2. Electronic Information Services – Paperless Transactions

Electronic transmission of documents to and from the courthouse can decrease the amount of paper involved in proceedings, and reduce the need for processing areas and storage space.

I.B.3. Electronic Information Services – Interactive Voice Response System

Speech recognition and interactive voice response systems provide information to callers via the telephone system. In addition to making information more readily available, this system reduces traffic in the courthouse.

I.B.4. Electronic Information Services – Records Storage & Court Reporters' Notes

The storage of records on electronic medium can significantly reduce the amount of storage space required within the courthouse and off-site.

I.C.2. Automation of Administrative Services – Purchasing

The acquisition and management of goods and services that relies on an electronic, rather than a paper-based, process can streamline the purchasing process, while reducing the need for storage space.

I.E. Misdemeanor Arraignments from Counsel Electronically

Electronically handling arraignments by fax transmission or the Internet reduces the need for clients to appear in court and consolidates processing time.

I.F. Consolidation of an Individual's Various Cases Into One Court

Sweeping or consolidating an individual's cases into one court provides case management benefits for courts, avoids duplication of appearances, can result in earlier dispositions and reduces vehicular and foot traffic into multiple courthouses.

II.A. Courtroom Utilization

Various methods of more fully utilizing the courtroom included increasing the ratio of judges to courtrooms and building a mix of specialty courtrooms and conference rooms, as opposed to constructing large, multipurpose courtrooms.

II.B. Night Courts – Small Claims, Traffic, Selected Family, Pro Per, and ADR

Using courtrooms in the evening as well as during the day can make more cost effective use of the space.

II.C. Regionalization of Court Facilities

Courts in different counties that are close in geographical proximity may benefit from sharing facilities.

III.B. Administrative Services – HR, Accounting, and Storage

Locating office specialists who do not have a high level of public contact in lower profile office space outside the courtroom can release space within the courthouse for other needs.

IV.A. Out-Sourcing Administrative Services

Contracting with a service provider who does not occupy space within the courthouse can make space available for functions that must take place in the courthouse.

IV.C. Consolidation of Off-Site Records Management

Storage of paper records that are not frequently accessed in a site away from the courthouse can make space available within the courthouse. Record storage facilities may be consolidated to serve many courts within a region.

Space Mitigation Cost Analysis

Space and Cost Savings Matrix

TOPIC		POTENTIAL SPACE SAVINGS (cgsf)	POTENTIAL COST SAVINGS
I.A.1	Video Conferencing for Arraignments and Other Pre-Trial Proceedings	54,546 to 59,346	\$16,580,000 to \$17,360,000
I.B.1	Electronic Information Services - Lexis/Westlaw/Westmate	21,200	\$7,547,200
I.B.2	Electronic Information Services - Paperless Transactions	25,000	\$9,035,000
I.B.3	Electronic Information Services - Interactive Voice Response System	15,500	\$5,564,820
I.B.4	Electronic Information Services - Records Storage and Court Reporters' Notes	300,000	\$106,800,000
I.C.2	Automation of Administrative Services - Purchasing	18,000 to 24,000	\$6,408,000 to \$8,544,000
I.E	Misdemeanor Arraignment for Counsel Electronically	0	0
I.F	Consolidation of an Individual's Various Cases into one Court	0	0
II.A	Courtroom Utilization		
II.A.1	Increased Ratio of Judges to Courtrooms	360,500	\$128,338,000
II.A.2	Specialty Courtrooms	228,290	\$81,271,240
II.B	Night Courts - Small Claims, Traffic, Selected Family, Pro Per, ADR	80,000	\$28,480,000
II.C	Regionalization of Court Facilities	50,000	\$17,800,000
III.B	Administrative Services-Human Resources/Accounting/Storage	0	0
IV.A	Outsourcing Administrative Services	22,050 to 44,100	\$4,500,000 to \$8,800,000
IV.C	Consolidation of Offsite Records Management	0	0
TOTALS		1,175,086 to 1,207,936	\$412,324,260 to \$419,540,260

Appendix B: Analysis of the Impact of an Additional Judicial Position on Other Justice System Agencies

Issues

The addition of a new judicial position has a specific and identifiable impact on the space needs of the Superior Court. These include an additional courtroom, chambers, jury deliberation and other directly related facilities as well as an additional workspace for court management staff to support the workload generated by the new position.

But like a stone dropped into a calm pool of water, the addition of a new judge has a ripple effect throughout the justice system. This means additional positions in the offices of the District Attorney, Public Defender, Probation and County Counsel as well as other court related agencies. This effect will be different for different types of court calendars. For example, judges assigned to a predominately civil calendar will have little impact on other government agencies, while a criminal calendar assignment will have a major impact on other agency staffing.

The goal of this analysis is to identify these impacts and to quantify them in terms of additional space and construction cost requirements.

Methodology

Judicial position data and related agency staffing for a number of counties throughout California were reviewed to determine ratios of judges to other justice agency staff. These included large (Santa Clara and Alameda Counties), medium (Sacramento and Solano Counties), and small (Madera and Shasta Counties). This comparison analysis was followed with telephone contacts to elicit opinions related to the impact of adding a judicial position on specific functional units (District Attorney felony prosecution and victim witness). Based on this survey and interview process ratio of other agency staff to specific judicial calendars (criminal, juvenile dependency, juvenile delinquency, and civil) were developed.

The second step in the process was to establish space requirements for these staff positions. This was accomplished by area factors for each position. An area factor is the amount of net square feet per staff member determined by dividing the total number of net square feet occupied by the number of staff. These area factors were determined by reviewing space programming documents for numerous California counties.

The final step was to calculate construction costs associated with these space requirements. The construction costs were consistent with those used in the Task Force Phase 4 estimates.

Staff Requirements

The following summarizes the estimated staff requirements by court type based on the review of existing staffing ratios.

District Attorney

District Attorney staffing for each courtroom calendar type is as follows:

- Criminal Trial Court: 2 attorneys per courtroom
- Criminal Calendar Court: 3 attorneys per courtroom
- Juvenile Delinquency: 3 attorneys per courtroom
- DA Support Staff: 0.8 support staff per attorney

Public Defender

Public Defender staffing for each courtroom calendar type is as follows:

- Criminal Trial Court
1.8 attorneys per courtroom
0.8 clerical/administrative staff per courtroom
0.9 investigators per courtroom
- Criminal Calendar Court
2.5 attorneys per courtroom
2 support staff per courtroom
- Juvenile Delinquency:
2 attorneys per courtroom
1.4 support staff per courtroom

County Counsel Child Dependency

County Counsel Child Dependency staffing per courtroom is as follows:

- Juvenile Dependency:
4 attorneys per courtroom
2 paralegals per courtroom
1 legal secretary per courtroom
1 clerk per courtroom

Probation

Probation staff for each criminal and juvenile delinquency courtroom is as follows:

- Criminal Trial Court: 1 probation officer per courtroom
- Criminal Calendar Court: 0.5 probation officer per courtroom
- Probation Support Staff:
0.2 support clerk per courtroom
0.1 supervisors per courtroom

Summary of Staff Requirements:

The following translates these requirements into staff requirements by court type.

Court Type	Agency	Staff
Criminal Trial Court	DA	2.0 Attorneys 1.60 Support Staff
	PD	1.8 Attorneys 0.8 Support 0.9 Investigators
	Probation	1 Probation Officer 0.2 Support Staff 0.1 Supervisor
Total		8.40
Criminal Calendar Court	DA	3 Attorneys 2.4 Support Staff
	PD	2.5 Attorneys 2 Support
	Probation	0.5 Probation Officers 0.2 Support Clerks 0.1 Supervisor
Total		10.7
Juvenile Delinquency	DA	3 Attorneys 2.4 Support Staff
	PD	2 Attorneys 1.4 Support Staff
	Probation	1 Probation Officer 0.2 Support Staff 0.1 Supervisor
Total		10.1
Juvenile Dependency	County Counsel	4 Attorneys 2 Paralegals 1 Legal Secretary 1 Clerk
	Child Protective Services	2 Case Workers
Total		10

Space Requirements

As stated initially, translation of staffing requirements into square footages is accomplished by the application of per staff position area factors to the proposed staffing needs. The area factors are the average net square feet per position for a specific function, for example, attorney or clerk.

Area Factors

The area factors have developed from analysis of county justice related functions in small to large counties throughout the staff. These area factors are in net square feet (NSF).

District Attorney Staff..... 240 NSF

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Public Defender Staff.....	240 NSF
County Counsel Staff	260 NSF
Probation Staff	220 NSF
Family Court Service	300 NSF
Child Protective Services	180 NSF

Summary of Area Requirements

These area factors were applied to staff impact numbers to produce space requirements impacts numbers. These are as shown:

Criminal Trial Court

DA	3.6 staff x 240 NSF = 864 NSF
PD	3.5 staff x 240 NSF = 840 NSF
Probation	1.3 staff x 220 NSF = 286 NSF
	For a total of 1,990 NSF

Criminal Calendar Court

DA	5.4 staff x 240 NSF = 1,296 NSF
PD	4.5 staff x 240 NSF = 1,080 NSF
Probation	0.8 staff x 220 NSF = 176 NSF
	For a total of 2,552 NSF

Juvenile Delinquency

DA	5.4 staff x 240 NSF = 1,296 NSF
PD	3.4 staff x 240 NSF = 816 NSF
Probation	1.3 staff x 220 NSF = 286 NSF
	For a total of 2,398 NSF

Juvenile Dependency

County Counsel	8 staff x 260 NSF = 2,080 NSF
Child Protective Svcs	2 staff x 180 NSF = 360 NSF
	For a total of 2,440 NSF

Gross Square Footages and Costs

The following calculations for each court category define gross square footage (GSF) and costs.

Criminal Trial Court

1,990 NSF x 1.2 net to gross factor = 2,388 GSF x \$160/SF = \$382,080 construction costs

Criminal Calendar Court

$2,552 \text{ NSF} \times 1.2 \text{ net to gross factor} = 3,062 \text{ GSF} \times \$160/\text{SF} = \$489,920 \text{ construction costs}$

Juvenile Delinquency

$2,398 \text{ NSF} \times 1.2 \text{ net to gross factor} = 2,878 \text{ GSF} \times \$160/\text{SF} = \$460,480 \text{ construction costs}$

Juvenile Dependency

$2,440 \text{ NSF} \times 1.2 \text{ net to gross factor} = 2,928 \text{ GSF} \times \$160/\text{SF} = \$468,480 \text{ construction costs}$

Domestic Relations

No definable impact

Civil

No definable impact

Traffic

Little to no impact

Summary

In summary the addition of a new judicial position to any court jurisdiction may have different levels of additional staff and space for justice related agencies depending on what calendar the judge is assigned to. A civil calendar assignment will require little if any staff and space additions, while juvenile delinquency calendars will require 10 staff and 3,000 square feet and half a million dollars in new construction costs. The average construction cost per judicial position based on a mix of courtroom calendars would be approximately \$450,000. The application of factors to account for project costs (25%), and for parking, site development, and land acquisition (30%), produces a total project cost of approximately \$730,000 per judicial position ($\$450,000 \text{ construction} \times 1.25 \times 1.30$).

Appendix C: Acknowledgments

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